

IDAHO ADMINISTRATIVE BULLETIN

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October 4, 2000 -- Volume 00-10

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Preface

The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.

State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of a rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Legal Notice. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rulemaking activities.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin 99-1 refers to the first Bulletin issued in calendar year 1999, Bulletin 00-1 refers to the first Bulletin issued in calendar year 2000, etc. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 1 refers to January; Volume No. 2 refers to February; and so forth. Example: The Bulletin published in January of 1999 is cited as Volume 99-1, the December 1998 Bulletin is cited as Volume 98-12. The March 2000 Bulletin is cited as Volume 00-3.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been adopted and approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are not printed in the Administrative Code and are published only in the Bulletin.

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative Rulemaking**, printed in each Bulletin.*

TYPES OF RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

The state of Idaho administrative rulemaking process comprises five distinct activities; Proposed, Negotiated, Temporary, Pending, and Final rulemaking. In the majority of cases, the process begins with proposed rulemaking and ends with final rulemaking. The following is a brief explanation of each type of administrative rule.

NEGOTIATED RULE

Negotiated rulemaking is a process in which all interested parties and the agency seek a consensus on the content of the rule. Agencies are encouraged to proceed through this informal rulemaking whenever it is feasible to do so. Publication of the text in the Administrative Bulletin by the agency is optional. This process should lead the

rulemaking to the temporary and/or proposed rule stage.

PROPOSED RULE

A proposed rulemaking is an action by an agency in which the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a notice of proposed rulemaking in the Bulletin. The notice of proposed rulemaking must include:

- a) the specific statutory authority for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation; and*
- g) the deadline for public (written) comments on the proposed rule.*

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule docket. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.

TEMPORARY RULE

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) the protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit.*

If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule.

A temporary rule expires at the conclusion of the next succeeding regular session of the legislature unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.

In cases where the text of the temporary rule is the same as that of the proposed rule, the rulemaking can be done concurrently as a temporary/proposed rule. State law requires that the text of a proposed or temporary rule be published in the Administrative Bulletin. Combining the rulemaking allows for a single publication of the text.

An agency may rescind a temporary rule that has been adopted and is in effect if the rule is being replaced by a new temporary rule or has been published concurrently with a proposed rulemaking that is being vacated.

PENDING RULE

A pending rule is a rule that has been adopted by an agency under the regular rulemaking process and remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the Notice of Pending Rule. This includes:

- a) the reasons for adopting the rule;*
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;*
- c) the date the pending rule will become final and effective; and*
- d) an identification of any portion of the rule imposing or increasing a fee or charge.*

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the Notice of Pending Rule is published.

FINAL RULE

A final rule is a rule that has been adopted by an agency under the regular rulemaking process and is in effect.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that the agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution will be adopted rejecting, amending, or modifying the rule or any part thereof. A Notice of Final Rule must be published in the Idaho Administrative Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended, or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule which is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls and Twin Falls, the Lewiston City Library, East Bonner County Library, Eastern Idaho Technical College Library, Ricks College Library, and Northwest Nazarene College Library.

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

The Administrative Bulletin is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

The Administrative Code, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

Individual Rule Chapters and *Individual Rulemaking Dockets*, are specific portions of the Bulletin and Administrative Code produced on demand.

Internet Access - The Administrative Code and Administrative Bulletin, as well as individual chapters and dockets, are available on the Internet at the following address:

<http://www.state.id.us/> - from Idaho Home Page select "Legal" then "Administrative Rules" link.

EDITOR'S NOTE: All rules are subject to frequent change. Users should reference all current issues of the Administrative Bulletin for negotiated, temporary, proposed, pending, and final changes to all rules, or call the Office of the Administrative Rules at (208) 332-1820.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering system. Each state agency has a two-digit identification code number known as the "IDAPA" number. (The "IDAPA" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "TITLE" number is assigned. There are "CHAPTER" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.060.02.c.ii.

"IDAPA" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

"IDAPA 38." refers to the Idaho Department of Administration.

"05." refers to Title 05 which is the Department of Administration's Division of Purchasing.

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing".

"060." refers to Major Section 060, "Content of the Invitation to Bid".

"02." refers to Subsection 060.02.

"c." refers to Subsection 060.02.c.

"ii." refers to Subsection 060.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER". The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-9901). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

"DOCKET NO. 38-0501-9901"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the TITLE AND CHAPTER numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE 05), "Rules of the Division of Purchasing" (Chapter 01).

"9901" denotes the year and sequential order of the docket submitted and published during the year; in this case the first rulemaking action of the chapter published in calendar year 1999.

*Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:*

"(BREAK IN CONTINUITY OF SECTIONS)"

INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection that is part of the same rule, a typical internal citation may appear as follows:

"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."

It may also be cited to include the IDAPA, Title, and Chapter number also, as follows:

"...in accordance with IDAPA 38.05.01.201."

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the agency rule.

"01" denotes the Chapter number of the agency rule.

"201" references the main Section number of the rule that is being cited.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, 'Rules Governing Capitol Mall Parking.'"

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2000

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
00-1	January, 2000	*November 17, 1999	January 5, 2000
00-2	February, 2000	December 22, 1999	February 2, 2000
00-3	March, 2000	January 19, 2000	March 1, 2000
00-4	April, 2000	February 23, 2000	April 5, 2000
00-5	May, 2000	March 22, 2000	May 3, 2000
00-6	June, 2000	April 19, 2000	June 7, 2000
00-7	July, 2000	May 24, 2000	July 5, 2000
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00-9	September, 2000	July 19, 2000	September 6, 2000
00-10	October, 2000	**August 22, 2000	October 4, 2000
00-11	November, 2000	September 20, 2000	November 1, 2000
00-12	December, 2000	October 25, 2000	December 6, 2000

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2001

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
01-1	January, 2001	*November 15, 2000	January 3, 2001
01-2	February, 2001	December 20, 2000	February 7, 2001
01-3	March, 2001	January 24, 2001	March 7, 2001
01-4	April, 2001	February 21, 2001	April 4, 2001
01-5	May, 2001	March 21, 2001	May 2, 2001
01-6	June, 2001	April 18, 2001	June 6, 2001
01-7	July, 2001	May 23, 2001	July 4, 2001
01-8	August, 2001	June 20, 2001	August 1, 2001
01-9	September, 2001	July 18, 2001	September 5, 2001
01-10	October, 2001	**August 22, 2001	October 3, 2001
01-11	November, 2001	September 19, 2001	November 7, 2001
01-12	December, 2001	October 24, 2001	December 5, 2001

**Last day to submit proposed rulemaking before moratorium begins and last day to submit pending rules to be reviewed by the legislature.*

***Last day to submit proposed rules in order to complete rulemaking for review by legislature.*

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IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.03.01 - RULES PERTAINING TO IDAHO COMMERCIAL FERTILIZER LAW
DOCKET NO. 02-0301-0001 (REPEAL)
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 21, 2000.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) Title 22, Chapters 6, 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 18, 2000.

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 repeal the rule in its entirety.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The temporary rule confers a benefit. The authority for this rule has been transferred to the Division of Plant Industries. A new revised rule will be promulgated as IDAPA 02.06.12.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Roger Vega, Administrator, Division of Plant Industries at 332-8620 or Michael E. Cooper, Bureau Chief, Division of Plant Industries at 332-8620.

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 25, 2000.

DATED this 21st day of August, 2000.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8531
Fax: (208) 334-2879

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.03.03 - RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-0001

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 22-3421 and 22-3402, 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 18, 2000.

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:

This proposed rule will define recordkeeping and licensing requirements for dealers providing consistency with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (Sections 100, and 150). In addition, it adds a new section with the agency name and address, and clarifies several sections (Section 150 clarifying required worker protection standard records, Section 550 imposing phenoxy herbicide temperature restrictions, Section 400 clarifying restrictions to protect pollinators in crops with blooming weeds) in the current rule where confusion exists or where the regulated community has raised questions about the current rule; deletes an obsolete section (Section 750) of the current rule regulating the pesticide ALAR; and increases pesticide registration fees (Section 200).

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

This fee or charge is being imposed pursuant to Section 22-3402(6), Idaho Code. This section provides for payment of a pesticide registration fee as prescribed by rule. IDAPA 02.03.03.200 currently sets this pesticide registration fee at \$120. This proposed rule would increase this pesticide registration fee from \$120 per product to \$145 per product.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of the proposed rule changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact, Rodney Awe, Agricultural Program Manager, at (208) 332-8615.

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 25, 2000.

DATED this August 18, 2000.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500 – Telephone
(208) 334-4623 - Fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0303-0001

006. MAILING AND PHYSICAL ADDRESSES, TELEPHONE, AND FAX NUMBERS AND OFFICE HOURS.

01. Office Address. The central office of the agency is in Boise, Idaho. The address is the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho, 83712-0790. ()

02. Mailing Address. The mailing address for the central office is P.O. Box 790, Boise, Idaho 83701. ()

03. Telephone. The telephone number of the central office is (208) 332-8500. ()

04. Fax. The fax number of the central office is (208) 334-2170. ()

05. Office Hours. Office hours of the central office are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. ()

~~0067.~~ -- 049. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

100. LICENSING PROFESSIONAL APPLICATORS AND PESTICIDE DEALERS.

01. Demonstration Of Competence. (3-20-97)

a. Professional applicators shall not recommend the application or make an application of any pesticide for any purpose, unless they have demonstrated competence for that purpose, which competence must be demonstrated by passing Department examinations and becoming licensed in the appropriate categories listed in Subsection 100.02. (3-20-97)

b. An applicant shall demonstrate competency in the following areas: (3-20-97)

i. Labels and labeling, including terminology, instructions, format, warnings and symbols. (3-20-97)

ii. Safety factors and procedures, including protective clothing and equipment, first aid, toxicity, symptoms of poisoning, storage, handling, transportation and disposal. (3-20-97)

iii. Laws, rules, and regulations governing pesticides. (3-20-97)

iv. Environmental considerations, including the effect of climate and physical or geographical factors on pesticides, and the effects of pesticides on the environment, and the animals and plants living in it. (3-20-97)

v. Mixing and loading, including interpretation of labels, safety precautions, compatibility of mixtures, and protection of the environment. (3-20-97)

vi. Methods of use or application, including types of equipment, calibration, application techniques, and prevention of drift and other types of pesticide migration. (3-20-97)

vii. Pests to be controlled, including identification, damage characteristics, biology and habitat. (3-20-97)

- viii. Types of pesticides, including formulations, mode of action, toxicity, persistence, and hazards of use. (3-20-97)
- ix. Chemigation practices involving the application of chemicals through irrigation systems, calibration, management, and equipment requirements. (4-5-00)
- x. For use of the Livestock Protection Collar (LPC), in addition to the requirements of Subsection 100.01.b.i. through 100.01.b.viii., professional applicators shall have training in and knowledge of the following: (3-19-99)
- (1) Characteristics and habits of predatory animals, and particularly, coyotes. (3-19-99)
 - (2) Properties of the collars and of Sodium Fluoroacetate (Compound 1080). (3-19-99)
 - (3) Recordkeeping requirements set forth in Subsection 150.01 that will additionally include a record of each animal found poisoned or suspected of having been poisoned as a result of the use of Compound 1080, including target and non-target species. (3-19-99)
 - (4) The requirement for immediate reporting of suspected poisonings of non-target species and suspected poisonings of humans or domestic animals by the use of Compound 1080 to the United States Environmental Protection Agency (US EPA) and the Idaho State Department of Agriculture (ISDA). (3-19-99)
 - (5) How to properly dispose of animal remains, vegetation, or soil contaminated by a punctured LPC. (3-19-99)
 - (6) Practical treatment of Compound 1080 poisonings in humans and domestic animals. (3-19-99)
 - (7) Safe handling, attachment, and storage of LPC collars. (3-19-99)
 - (8) The requirement to post and maintain bilingual (English/Spanish or other second language appropriate for the region) signs at logical points of access to areas where LPCs are in use. (3-19-99)
 - (9) The requirement to perform inspections once every week to ensure that collars in use are accounted for, property positioned, and intact. (3-19-99)
 - (10) Knowledge of alternative controls of predation. (4-5-00)
- xi. For use of the LPC, in addition to the requirements of Subsections 100.01.b.i. through 100.01.b.x., professional applicators shall have training in and the ability to: (3-19-99)
- (1) Recognize potential hazards to humans, domestic animals, and non-target wildlife from the use of the LPC. (3-19-99)
 - (2) Read and understand the labeling specific to the LPC. (3-19-99)
 - (3) Recognize general symptoms of poisoning by Compound 1080 in humans and domestic animals and take appropriate action. (3-19-99)
 - (4) Recognize where the LPC can be used safely and effectively and, conversely, where alternative methods of control would be more appropriate. (3-19-99)
 - (5) Assess damaged LPCs to determine which can be repaired and which must be disposed of properly. (3-19-99)
 - (6) Properly dispose of the LPCs. (3-19-99)

02. Certification. A person shall be certified by passing Department examinations with a minimum of seventy percent (70%) in the categories of pesticides they apply. (3-20-97)

a. Professional applicators shall be certified and licensed in one (1) or more of the following categories: (3-20-97)

i. Law and Safety (LS). This shall include general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling, and laws. Certification in this category is required when certifying in Subsections 100.02.a.ii. through 100.02.a.ix. (3-20-97)

ii. Agriculture. For persons conducting field crop applications. Agriculture Herbicide (AH). Certification in this category shall also certify a person to make herbicide applications in rights-of-way, forests, and rangelands. Agriculture Insecticide/Fungicide (AI). Certification in this category shall also certify a person to make insecticide/fungicide applications in rights-of-way, forests, and rangelands. Soil Fumigation (SF). (4-5-00)

iii. Forest Environment (FE). For U.S. Forest Service and Bureau of Land Management personnel, contractors, and private industry personnel who control pests in forests and on rangelands. (3-20-97)

iv. Right-of-Way Herbicide (RW). For railroads, highway departments and others, for roadside weed control, soil sterilant herbicides, and weed control on public lands (non-crop). Certification in the Agricultural Herbicide category shall exempt the applicant from the need to certify in this category. (3-20-97)

v. Public Health Pest (PH). For abatement districts and others controlling mosquitoes and other public health pests. (3-20-97)

vi. Livestock Pest Control (LP). For persons treating livestock pests. (3-20-97)

vii. Ornamental Herbicide (OH). For persons conducting outside urban or residential herbicide applications, with the exception of soil sterilant applications (see Subsection 100.02.a.iv.). Ornamental Insecticide/Fungicide (OI). For persons doing outside urban or residential insecticide and fungicide applications, including exterior applications to residential, urban or commercial buildings, excluding structural destroying pests (see Subsection 100.02.a.ix.). (4-5-00)

viii. General Pest Control Operations (GP). For persons controlling pests in and around residential, commercial, or other buildings, excluding structural destroying pests. (3-20-97)

ix. Structural Destroying Pest (SP). For persons involved in the control of pests which destroy wooden structures, such as bridges, houses, offices, and warehouses. (3-20-97)

x. General Vertebrate Control (GV). For Wildlife Services (WS) personnel of the United States Department of Agriculture-Animal and Plant Health Inspection Service, for controlling vertebrates such as rodents, predators, and birds. (4-5-00)

xi. Rodent Control (RC). For rodent districts and others, for the control of field rodents. Certification in the General Pest Control category shall exempt the applicant from the need to certify in this category. (3-20-97)

xii. Aquatic Weed and Pest Control (AW). For irrigation districts, canal companies and others, for weed and pest control on aquatic sites. (4-5-00)

xiii. Seed Treatment (ST). For persons doing treatments to protect seeds used for plant reproduction. (3-20-97)

xiv. Commodity Pest Control (CP). For persons controlling pests in stored commodities. (3-20-97)

xv. Potato Cellar Pest Control (PC). For persons who apply sprout inhibitors in potato cellars. (3-20-97)

- xvi. Wood Preservative (WP). For persons who apply wood preservatives. (3-20-97)
- xvii. Pest Control Consultant-Statewide (SW). For persons who make recommendations or supply technical advice concerning the use of any pesticide for agricultural purposes. (3-20-97)
- xviii. Demonstration and Research (DR). For persons who apply or supervise the use of restricted use pesticides at no charge to demonstrate the action of the pesticide or conduct research with restricted use pesticides. A person shall be eligible to license in this category by passing the Pest Control Consultant examination. (3-20-97)
- xix. Chemigation (CH). For persons who apply chemicals through an irrigation system, excluding Aquatic Weed and Pest Control applicators (see Subsection 100.02.xii.). (4-5-00)
- xx. Livestock Protection Collars (LPC). For use of Livestock Protection Collars (LPC) containing the restricted use pesticide Compound 1080 to control predatory coyotes. (3-19-99)
- b. Pesticide Dealers shall be certified and licensed in any category listed in Subsection 100.02 that pertains to the types of restricted use pesticides sold or distributed. (3-23-98)
- c. Persons with an active license category on June 30, 1996, shall retain said category under the rules which became effective on July 1, 1996, until the expiration of the certification period or suspension of the license by the Department. (3-23-98)
- d. Mixer-Loaders. Effective December 31, 1998, mixer-loader licenses issued by the Department shall expire. No person shall act as a mixer-loader for a professional applicator without first obtaining annual training. (3-23-98)
- i. Training shall be conducted and certified by the professional applicator who employs the mixer-loader. Certification of training shall be on a form prescribed by the Department and must include the signatures of both the mixer-loader and the professional applicator providing the training. (3-23-98)
- ii. Training shall include areas relevant to the pesticide mixing and loading operation and instruction on the interpretation of pesticide labels, safety precautions, first aid, compatibility of mixtures, and protection of the environment. (3-23-98)
- iii. Employers of mixer-loaders shall comply with federal and state laws related to hazardous occupations and shall provide and ensure the use of personal protective equipment required in the label directions. (3-23-98)
- 03. Department Examination Procedures.** (3-20-97)
- a. Examinations shall be administered by a designated agent. (3-20-97)
- b. To pass a Department examination, professional applicators and pesticide dealers shall obtain a score of seventy percent (70%) or higher. (3-23-98)
- c. Payment of examination fees shall be received by the Idaho Department of Agriculture before examination results may be released. (3-20-97)
- d. A minimum waiting period shall be required before an applicant may retake an examination: (3-20-97)
- i. One (1) week shall be required for the first failure. (3-20-97)
- ii. Two (2) weeks shall be required for the second failure. (3-20-97)
- iii. Thirty (30) days shall be required for the third or subsequent failures. (3-20-97)

04. Licensing Periods And Recertification. Beginning August 31, 2000, Pesticide Dealer licenses shall expire on August 31, of even numbered years and have a twenty four (24) month duration. A Pesticide Dealer License application form shall accompany each new license or license renewal request. Professional applicator licenses shall be renewed by satisfying the recertification provisions of this section. Licenses belonging to professional applicators with last names beginning with A through L, inclusive, shall expire on the last day of the year in every odd-numbered year, and licenses belonging to professional applicators with last names beginning with M through Z, inclusive, shall expire on the last day of the year in every even-numbered year. Any professional applicator with less than thirteen (13) months in the licensing period shall not be required to obtain recertification credits during the initial licensing period. The recertification period for professional applicators shall be concurrent with their two (2) year licensing period. Recertification requirements may be accomplished by complying with either Subsection 100.04.a. or 100.04.b. (4-5-00)

a. A person shall accumulate recertification credits by attending Department-accredited pesticide instruction seminars. (3-20-97)

i. A minimum of fifteen (15) credits shall be earned by a professional applicator during each recertification period. (3-23-98)

ii. A completed request for accreditation of a seminar shall be received by the Department not less than thirty (30) days prior to the scheduled seminar. Such a request shall be submitted on a form prescribed by the Department. Under exceptional circumstances, as described in writing by the person requesting accreditation, the thirty (30) day requirement may be waived. (3-20-97)

iii. Credit will be given only for those parts of seminars that deal with pesticide subjects as listed in Subsection 100.01.b. No credit will be given for training given to persons to prepare them for initial certification. (3-20-97)

iv. The number of credits assigned in advance for a seminar, or a part of a seminar, shall be tentative, and may be revised by the Department if it is later found that the training does not comply with Subsection 100.04.a.iii. (3-20-97)

v. Effective July 1, 1998, a recertification credit shall be based upon one (1) credit for each one (1) hour of instruction, as described in Subsection 100.04.a.iii. Should an applicator's recertification period include credits earned prior to July 1, 1998, those credits based on one hundred fifty (150) minutes of instruction shall be converted to three (3) credits for recertification purposes. (3-23-98)

vi. Verification of attendance at a seminar shall be accomplished by validating the attendee's pesticide license, using a stamp, sticker, or other method approved by the Department. A designated agent shall ensure that such attendance records are properly completed. Verification of attendance must be submitted with the license renewal application. (3-20-97)

vii. If a person has accumulated more than fifteen (15) credits during the recertification period, the excess credits may not be carried over to the next recertification period. (3-23-98)

viii. Upon earning the recertification credits as described above, a person shall be considered by the Department to be recertified for the next recertification period corresponding with the next issuance of a license. (3-20-97)

b. A person shall pass the Department's recertification examinations for all categories in which a person intends to license. (3-20-97)

i. Recertification examinations may be taken by a professional applicator beginning the thirteenth month of the recertification period. (3-23-98)

ii. The examination procedures as outlined in Subsection 100.03 shall be followed. (3-23-98)

iii. In addition to examinations for categories listed under Subsections 100.02.a.ii. through

- 100.02.a.ix., a person must also pass a Law and Safety recertification examination. (3-23-98)
- iv. Recertification shall not be achieved by passing an entry-level examination. (3-20-97)
 - v. Upon passing the recertification examination(s), a person shall be considered by the Department to be recertified for the next recertification period. (3-20-97)
 - c. Any person who fails to accumulate the required recertification credits prior to the expiration date of their license shall be required to pass the appropriate recertification examination(s) before being licensed. (3-20-97)

05. Licensed Professional Applicator. Only a licensed professional applicator shall operate or supervise the operation of commercial application equipment by being present during the time of operation. (3-20-97)

06. Interim Exemption From Pesticide Dealer Licensing And Recordkeeping. Until such time as the director promulgates specific rules pertaining to distribution of general use pesticides (GUPs), persons selling only GUPs shall not be required to obtain a pesticide dealer license or maintain distribution records of these products. ()

(BREAK IN CONTINUITY OF SECTIONS)

150. RECORDS REQUIREMENTS.

- 01. Applicator Records.** Professional applicators shall maintain pesticide application records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. The records shall be maintained in a location designated by the professional applicator. (4-5-00)
- 02. Record Contents.** Such records shall contain: (3-20-97)
- a. The name and address of the owner or operator of each property treated; and (3-20-97)
 - b. The specific crop, animal, or property treated; and (3-20-97)
 - c. The location by the address, general legal description (township, range, and section) or latitude/longitude of the specific crop, animal, or property treated; and (3-23-98)
 - d. The size or amount of specific crop, animal, or property treated; and (3-23-98)
 - e. The trade name or brand name of the pesticide applied; and (3-23-98)
 - f. The total amount of pesticide applied; and (3-23-98)
 - g. The dilution applied or rate of application; and (3-23-98)
 - h. The EPA registration number of the pesticide applied; and (3-23-98)
 - i. The date of application; and (3-20-97)
 - j. The time of day when the pesticide is applied; and (3-20-97)
 - k. The approximate wind velocity; and (3-20-97)
 - l. The approximate wind direction; and (3-23-98)

- m. The full name of the person recommending the pesticide application; and (3-23-98)
- n. The full name of the professional applicator applying the pesticide; and (3-23-98)
- o. The license number of the professional applicator applying the pesticide; and (3-23-98)
- p. Worker protection information exchange, if required by the worker protection standard, prior to pesticide application, shall be documented by: ~~(3-23-98)~~()

 - i. Date of contact; and (3-23-98)
 - ii. Time of contact; and (3-23-98)
 - iii. Name of grower or operator contacted. (3-23-98)

03. Pesticide Dealer Records. Pesticide dealers shall maintain restricted use pesticide distribution records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. The records shall be maintained in a location designated by the pesticide dealer. ()

04. Record Contents. Such records shall contain: ()

- a. The name and address of the person purchasing or receiving the restricted use pesticide (RUP); and ()
- b. The certified applicator name, license number, and expiration date of the license for the person certified to use the RUP; or ()
- c. In the case of distribution of a RUP to another pesticide dealer, the name, license number, and expiration date of the license of the licensed pesticide dealer. ()
- d. The brand name and Environmental Protection Agency (EPA) Registration Number for each RUP distributed; and ()
- e. Date of the distribution of each RUP; and ()
- f. The quantity and size of each RUP container distributed and the total quantity of RUP distributed; and ()
- g. The pesticide dealer's name, address, and pesticide dealer license number distributing the RUP. ()

(BREAK IN CONTINUITY OF SECTIONS)

200. FEES.

01. Pesticide Registration. On and after ~~December~~ July 1, 1994 ~~2001~~, one hundred ~~twenty~~ forty-five dollars (~~\$120~~45) per product. ~~(3-20-97)~~()

02. Professional Applicator's License. On and after July 1, 1996, one hundred twenty dollars (\$120) per licensing period of fourteen (14) months or more, sixty dollars (\$60) per licensing period of thirteen (13) months or less. (3-20-97)

03. Pesticide Dealer's License. Beginning August 31, 2000, one hundred dollars (\$100) per licensing

period of fourteen (14) months or more, fifty dollars (\$50) per licensing period of thirteen (13) months or less. Prior to August 31, 2000, fifty dollars (\$50) for an annual license or partial year if the license is issued after August 31, 1999. (4-5-00)

04. Private Applicator's License. A Restricted Use Category, ten dollars (\$10); a Chemigation Category, twenty dollars (\$20); or thirty dollars (\$30) for both categories. (3-20-97)

05. Examination Fee Per Examination Category. Ten dollars (\$10). (3-20-97)

(BREAK IN CONTINUITY OF SECTIONS)

400. RESTRICTIONS TO PROTECT POLLINATORS.

01. Bee Restrictions. Any pesticide that is toxic to bees shall not be applied to any agricultural crop when such crop is in bloom or when bees are actively foraging on blooming weeds in the crop being sprayed except during the period beginning three (3) hours before sunset until three (3) hours after sunrise. ~~(3-20-97)~~(____)

02. Green Pea Exception. In the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone: Green (white) pea crops may be sprayed or dusted at any time. (3-20-97)

03. Other Exceptions. Pesticides may be applied at any time to sweet corn for processing, hops, potatoes, and beans other than lima beans, subject to all other applicable regulations. (3-20-97)

(BREAK IN CONTINUITY OF SECTIONS)

550. PHENOXY HERBICIDE RESTRICTIONS.

01. High Volatile Ester Restrictions. No aircraft pilot shall apply high volatile ester formulations of 2,4-D: (3-20-97)

a. In Latah, Nez Perce, and Clearwater Counties in Idaho; or (3-20-97)

b. Within five (5) miles of a susceptible crop or hazard area in any other county in Idaho. (3-20-97)

c. Waiver of the restriction is Subsections 550.01.a. and 550.01.b. may be issued on a project-by-project basis by the Director. (3-20-97)

02. Low Volatile Ester Restrictions. No aircraft pilot shall apply low volatile ester formulations of 2,4-D; MCPA and MCPB: (3-20-97)

a. In Latah, Nez Perce, and Clearwater Counties in Idaho ~~during the period between May 1 and October 15, unless ambient air temperatures are not above or expected to exceed eighty-five (85) degrees fahrenheit~~ within twenty-four (24) hours of the expected application time, or ~~(3-20-97)~~(____)

b. Within one (1) mile of a hazard area in any other county in Idaho. (3-20-97)

c. Waiver of the restriction in Subsection 550.02.a. may be issued on a project-by-project basis by the Director. (3-20-97)

03. Hazard Area. Aircraft pilots shall maintain the following spray distances from hazard areas when

applying amine or acid formulations of 2,4-D; MCPA; MCPB; and Dicamba:

Mean Sustained Wind Velocity	Downwind	Upwind
0-3 MPH	1/2 mile	600 feet
4-7 MPH	1 mile	200 feet
8-10 MPH	1 mile	50 feet
Over 10 MPH	Do not apply	Do not apply

(3-23-98)

04. Airflow And Temperature Inversion Indicators. A continuous smoke column or other device satisfactory to the Director shall be employed to indicate to the pilot of any aircraft the direction and velocity of the airflow, and indicate a temperature inversion by layering of smoke, at the time and place of application when applying any formulation of 2,4-D; MCPA; MCPB and Dicamba. (3-20-97)

05. Other Spraying Equipment. If any aerial applicator wishes to use spraying equipment other than the equipment specified, such equipment must be approved by the Director prior to use. (3-20-97)

(BREAK IN CONTINUITY OF SECTIONS)

~~602. -- 749. (RESERVED).~~

~~750. DAMINOZIDE (ALAR) RESTRICTIONS.~~

~~01. Reporting Possession.~~ Any person who possesses Daminozide (Alar) shall immediately report in writing to the Idaho Department of Agriculture the amount and location of Daminozide (Alar) in possession. (3-20-97)

~~02. Permit.~~ No person shall apply Daminozide (Alar) without first obtaining a permit from the Idaho Department of Agriculture. An application for a permit shall contain the following information: (3-20-97)

- ~~a. The applicant's name, address and telephone number; and (3-20-97)~~
- ~~b. The exact location of proposed treatment; and (3-20-97)~~
- ~~c. The specific crop to be treated; and (3-20-97)~~
- ~~d. Total acreage to be treated; and (3-20-97)~~
- ~~e. The total amount of Daminozide (Alar) to be applied; and (3-20-97)~~
- ~~f. An agreement by the applicant to identify and segregate any Daminozide (Alar) treated apples. (3-20-97)~~

~~03. Notification.~~ Any person intending to apply Daminozide (Alar) shall notify the Idaho Department of Agriculture not less than forty eight (48) hours prior to actual use. (3-20-97)

~~04. Introduction.~~ Any person who introduces Daminozide (Alar) treated apples into the marketing channel shall notify the Idaho Department of Agriculture not less than forty eight (48) hours prior to such action. (3-20-97)

~~751602. -- 799. (RESERVED).~~

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.04.03 - RULES OF THE DEPARTMENT OF AGRICULTURE
GOVERNING ANIMAL INDUSTRY

DOCKET NO. 02-0403-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: This temporary rule is effective August 22, 2000.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Title 25, Chapter 2, 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 18, 2000.

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 proposed amendments specify the testing, identification and certification requirements, relative to tuberculosis, for entry of cattle, bison and domestic cervidae into the state of Idaho from various classifications of states or zones and will define Chronic Wasting Disease (CWD), provide definitions of terms, provide requirements for importation of domestic cervidae relative to CWD, specify approved tests for CWD, provide for surveillance, quarantine and management of herds relative to CWD, provide for qualification and certification of herds relative to CWD and provide for condemnation and depopulation of CWD infected and exposed animals and herds.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a) Idaho Code, the governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule is necessary to protect the public health, safety or welfare, and comply with amendments to federal requirements. The incidence of tuberculosis, a disease that can affect both man and animals, is rising in some areas of the country. Revised classifications of states and testing requirements for animals from those affected areas are necessary to protect Idaho Citizens and livestock. Chronic Wasting Disease is a Transmissible Spongiform Encephalopathy, similar to Mad Cow Disease. Even though there is no evidence that this disease can affect humans, it is of significant concern to the public. Numerous states have imposed requirements relative to CWD, making it essential for Idaho to provide protection against introduction of the disease into the state. The rules provide a benefit to industry and to the citizens of the state by providing a mechanism to address the disease in Idaho. The rule is necessary to protect the public health, safety or welfare, comply with amendments to federal requirements and benefits animal industries and the citizens of the state.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact: Dr. Bob Hillman, Administrator; Dr. Kendal Eyre, Bureau Chief; or Dr. Phil Mamer, Veterinary Medical Officer of Idaho, State Department of Agriculture, at (208) 332-8540.

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 25, 2000.

DATED this 22th day of August, 2000.

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4623 FAX

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0403-0001

005. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the department. (8-22-00)T

006. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (8-22-00)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (8-22-00)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (8-22-00)T

04. Telephone Number. The telephone number of the central office is (208) 332-8500. (8-22-00)T

05. Fax Number. The fax number of the central office is (208) 334-2170. (8-22-00)T

0057. -- 009. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

~~051. -- 054. (RESERVED).~~

~~055. IMPORTATION OF ANIMALS.~~

~~01. Animals Exposed To Disease.~~ In accordance with title 25, I.C.A., all diseased livestock or livestock which have been exposed to disease are hereby prohibited from being transported or imported into the state of Idaho by rail, wagon, express, private conveyance or common carrier, or on foot, or in any other manner whatsoever. Except as provided in the following rules, which shall be observed by all persons, firms or corporations or their agents or employees and all common carriers. (9-6-61)

~~02. Tuberculosis Health Certificate.~~ All breeding and dairy cattle including bulls, purebred or otherwise entering the state, must be accompanied by an official health certificate and with regards to tuberculosis. (9-6-61)

~~a. They originate in an accredited tuberculosis free herd, accredited herd number and date of last test are shown on the health certificate; or~~ (9-6-61)

~~b. They originated in a modified accredited free area and from a herd not under quarantine for tuberculosis. (9-6-61)~~

~~e. Cattle not meeting requirements A and B shall have been tested with negative results within thirty (30) days of shipment and originate in nonreactor herds. (9-6-61)~~

~~d. Health certificates shall carry identification of the animals listed thereon. (9-6-61)~~

~~03. **Permits And Federal Stockyards.** Cattle may be imported into the state of Idaho under a permit or to federal stockyards, federal packing plants, state federal approved sales yards, or slaughtering plants without inspection or health certificates; provided they are not diverted in route, and are accompanied by a way bill or similar document or a certificate signed by the owner or shipper stating the destination, the purpose of which they are moved, the number of animals, the point from which they were moved, the name and address of the owner or shipper, and giving identification of the animals listed thereon. (9-6-61)~~

~~0561. -- 059. (RESERVED).~~

(BREAK IN CONTINUITY OF SECTIONS)

210. LAWS AND REGULATIONS GOVERNING THE ANIMALS ENTERING THE STATE OF IDAHO. Definitions of terms used herein. For the purpose of this chapter the following words and phrases shall have the following meaning: (12-10-84)

01. Definitions. (6-1-94)

a. Cattle. Shall mean any bovine of dairy or beef breeding. This definition shall include bison. (12-10-84)

b. Feeder Animals. Animals to be fed for slaughter only. (12-10-84)

c. Slaughter Animals. Animals of any kind for immediate slaughter, or those consigned for slaughter within fourteen (14) days of date of shipment. (12-10-84)

d. Animals. The term includes horses, mules and asses, cattle, sheep, goats, swine, dogs, cats, poultry, rodents, game animals, bison, domestic fur bearing animals, and birds. (12-10-84)

e. Livestock. Shall mean cattle, swine, horses, mules and/or asses. (12-10-84)

f. Poultry. The term shall mean chickens, turkeys, ducks, geese, guinea fowl, pigeons and pheasants (domestic fowls). (12-10-84)

g. Official Calfhood Vaccinate: (12-10-84)

i. Female cattle of any breed or female bison vaccinated while from four (4) months to twelve (12) months of age one-hundred twenty (120) through three hundred sixty-five (365) days) with a reduced dose of Strain 19 vaccine, or female cattle of any breed or female bison vaccinated with an approved dose of Brucella Abortus Strain RB-51 or other approved Brucellosis vaccine, by an approved official of the state of origin. (3-20-97)

ii. Female cattle which were officially calfhood vaccinated in accordance with previous provisions set forth by the UM&R shall be declared official calfhood vaccinates. (12-10-84)

iii. Evidence of vaccination shall be an official tattoo in the right ear of the animal. Tattoo symbols must be clearly legible to the naked eye in ordinary daylight without use of artificial light or other aids. Retattooing or reidentification of official vaccinates is acceptable for entry into Idaho, provided a permit is obtained from the Bureau

- of Animal Health for importation of the retattooed animals. (3-20-97)
- h. Brucellosis Test Eligible Cattle. (12-10-84)
 - i. Officially Strain 19 and RB-51 vaccinated female cattle of dairy breeds which are over twenty (20) months of age. (3-19-99)
 - ii. Officially Strain 19 and RB-51 vaccinated female cattle of beef breeds which are over twenty-four (24) months of age and officially Strain 19 vaccinated female bison which are over twenty-four (24) months of age. (3-19-99)
 - iii. Officially Strain 19 and RB-51 vaccinated females of dairy breeds which are under twenty (20) months of age if parturient or post parturient. (3-19-99)
 - iv. Officially Strain 19 and RB-51 vaccinated females of beef breeds or bison which are under twenty-four (24) months of age if parturient or post parturient. (3-19-99)
 - v. Intact males of beef or dairy breed or bison which are over eighteen (18) months of age. (3-20-97)
 - i. Non-Vaccinated Animals. Non-vaccinated female cattle or bison shall not be imported into Idaho except as provided for in the following rules: (12-10-84)
 - j. Findings and Effective Date. The amendments to Section 210 will confer a benefit to the cattle industry by making a markedly improved vaccine, RB-51, available to protect cattle and bison from brucellosis. The amendments bring Idaho into compliance with USDA recommendations for use of the new vaccine. The amendments will clarify which cattle are test eligible and provide a mechanism to assure cattle imported into the state from brucellosis surveillance areas are tested negative to brucellosis prior to entry into the state or upon arrival at specifically approved livestock markets in the state. (3-19-99)
 - k. Brucellosis Surveillance Area or High Risk Areas. Any area of a state that has been identified by USDA/APHIS/VS or other state animal health officials as an area that poses a greater risk for transmission of brucellosis than would be expected based upon the official classification of the state. (3-19-99)

02. Official Health Certificate (Certificate of Veterinary Inspection), Other Official Certificate Or Permit Required. For the purposes of Section 210, a Health Certificate and a Certificate of Veterinary Inspection are equivalent. (3-20-97)

- a. Certificate of veterinary inspection, other approved certificate or permit. Unless otherwise specifically provided in the rules of this chapter, all animals transported or moved into the state of Idaho shall be accompanied by an official certificate of veterinary inspection, other approved certificate, a permit, or both a certificate and a permit, which shall be attached to the waybill or be in the possession of the driver of the vehicle or person in charge of the animals. (3-20-97)
- b. When permits are needed, etc. (7-1-93)
- i. Permits are required on all cattle of dairy breeds from Class Free, A, B, and C states. (7-1-93)
- ii. Permits are required on cattle from Class B and C states and scabies-infested states. (7-1-93)
- iii. Permits are required on all cattle and bison which are to be moved from a brucellosis surveillance area or a brucellosis high risk area into the state of Idaho. (3-19-99)
- iv. Permits are required on all beef breeding bulls from Class Free, A, B and C states. (7-1-93)
- v. Permits are required on any livestock not meeting Idaho requirements. (7-1-93)
- vi. Permits are required for all sheep entering the state of Idaho. (7-1-93)

vii. Permits are required on all swine entering the state of Idaho except swine consigned directly to a recognized slaughter establishment and swine from stage IV or V states/areas consigned to specifically approved livestock markets. (1-10-94)

c. Where permits may be obtained. (12-10-84)

i. Livestock other than sheep. Requests for permits shall be directed to the Idaho Bureau of Animal Health, P.O. Box 7249, Boise, Idaho 83707; telephone (208) 332-8540, and shall set forth the following information: name and address of consignor, number and description of animals, origin of shipment, destination of shipment, proposed date of shipment, mode of transportation, and name and address of Idaho consignee. (3-20-97)

ii. Sheep permits: Requests for permits shall be directed to the Idaho Sheep Commission, 802 West Bannock, Room 205, P.O. Box 2596, Boise, Idaho, 83701; telephone (208) 334-3115. (12-10-84)

03. Animals Exposed To Disease Or Originating In A Quarantined Area. No animals affected with or which have been recently exposed to any infectious, contagious, or communicable disease, or which originate in a quarantined area shall be transported or moved into the state of Idaho unless a permit for such entry is first obtained from the Idaho Bureau of Animal Health, except such animals in classifications allowed interstate shipment under specified requirements of the United States Department of Agriculture may move without permit if in compliance with CFR requirements. (3-20-97)

04. Quarantine Imposed When No Certificate Or Permit Issued. Animals entering the state of Idaho without a valid certificate of veterinary inspection or other approved certificate, and a permit, if required, shall be held in quarantine at the risk and expense of the owner until released by an authorized representative of the Idaho Bureau of Animal Health. Such animals when found to be not in compliance with health certificate requirements may be ordered slaughtered, removed from the state or confined to a quarantined feedlot. (3-20-97)

05. Official Certificate Of Veterinary Inspection And Other Approved Certificates -- Form -- Contents -- Period Of Validity. An official certificate of veterinary inspection and other approved certificates are legible records attesting the animal covered thereby meets the requirements of the state of Idaho. The certificate shall be accomplished on an official form of the state of origin, be approved by its livestock sanitary official and be issued by an approved accredited veterinarian. An equivalent form of the U.S. Department of Agriculture issued by a federal inspector of the Veterinary Services is acceptable in lieu of a certificate of veterinary inspection or other approved certificate. (3-20-97)

a. Official Certificate of Veterinary Inspection. Such certificate shall contain: (3-20-97)

i. Name and address of the consignor and consignee; (12-10-84)

ii. Origin of shipment; (12-10-84)

iii. Final destination; (12-10-84)

iv. Accurate description and identification of each animal if required; (12-10-84)

v. Purposes for which they are shipped; and (12-10-84)

vi. Method of transportation. (12-10-84)

b. Other Approved Certificates. (3-20-97)

i. Extended validity equine certificates. Provided there is a written agreement between the Bureau of Animal Health and the chief livestock sanitary official of the state of origin, equidae from other states may enter the state of Idaho for shows, rides or other equine events and return on an extended validity equine certificate under a state system of equine certification acceptable to the Bureau of Animal Health and the state of origin. (3-20-97)

- (1) An extended validity equine certificate shall be valid for only one animal. Each animal shall have a separate certificate. (3-20-97)
- (2) Extended validity equine certificates shall contain the following information: (3-20-97)
- (a) Name and address of the owner. (3-20-97)
- (b) Location at which the animal is stabled, housed, pastured or kept, if different from that of the owner. (3-20-97)
- (c) An accurate description and identification of the animal. (3-20-97)
- (d) Date of veterinary inspection. (3-20-97)
- (e) Dates and results of EIA or other required tests or vaccinations. (3-20-97)
- (f) Signature of inspecting veterinarian. (3-20-97)
- (3) Extended validity equine certificates shall be valid for no longer than six (6) months from date the blood sample is collected for the EIA test by the animal health official or accredited veterinarian. If EIA testing is not required the certificate shall be valid no longer than six (6) months from the date of inspection for the certificate. (3-20-97)
- (4) Recipients of extended validity equine certificates shall submit a completed travel itinerary to the Bureau of Animal Health within ten (10) working days of the end of the six (6) month period of validity of the certificate. The travel itinerary shall provide a listing of all travel into the state of Idaho, including travel dates, purpose for travel and destinations, during the period of validity of the certificate. (3-20-97)
- (5) Extended validity equine certificates may be canceled at any time by the Bureau of Animal Health in the event of serious or emergency disease situations or for non-compliance with the provisions of these rules. (3-20-97)
- c. Health Status. The certificate shall indicate the health status of the animals involved including dates and results of inspection and of tests and vaccinations, if any, required by the state of Idaho. (3-20-97)
- d. Mailing Certificate. A copy of the certificate shall be mailed immediately to the Idaho Bureau of Animal Health, P.O. Box 7249, Boise, Idaho 83707. (3-20-97)
- e. Certificate For Sheep and Goats. Health certificates and permits covering sheep and goats: See separate section on sheep. (12-10-84)
- f. Period of Certificate Validity. Certificates of veterinary inspection shall be valid for no longer than thirty (30) days after the date of inspection. Extended validity equine certificates shall be valid for no longer than six (6) months from the date the blood sample was collected for the EIA test, if an EIA test is required. If an EIA test is not required, the certificate is valid for no longer than six (6) months from the date of inspection. (3-20-97)
- g. Restrictions. No certificate of veterinary inspection or extended validity equine certificate shall be issued unless it is compliant in all respects with the requirements of the state of Idaho. (3-20-97)
- 06. Who May Inspect.** Accredited veterinarians who are approved by the chief livestock sanitary official of the state of origin and federal veterinarians in the employ of the U.S. Department of Agriculture. (12-10-84)
- 07. Permits -- Contents -- Period Of Validity.** (12-10-84)
- a. Request For Permits. Request for permits to admit animals other than sheep and goats into the state of Idaho shall be directed to the Idaho Bureau of Animal Health, P.O. Box 7249, Boise, Idaho, and shall be requested

pursuant to the following requirements, and when the official health rules cannot be met at the point of origin. (12-10-84)

b. Permit Request Requirements. The request for such a permit shall set forth the following information: (12-10-84)

i. Name and address of the consignor and consignee; (12-10-84)

ii. Number and kind of animals; (12-10-84)

iii. Origin of shipments; (12-10-84)

iv. Final destination; (12-10-84)

v. Purpose of shipment; and (12-10-84)

vi. Method of shipment. (12-10-84)

c. Period of Validity. Permits shall be valid for no longer than fifteen (15) days from the date of issuance unless otherwise specified. (12-10-84)

08. To Whom May Animals Be Consigned. All animals transported or moved into the state shall be consigned to an individual residing in Idaho or to a legal entity authorized by law to do business in the state. (12-10-84)

09. Diversion Of Animals After Shipment. No person consigning, transporting or receiving animals in the state of Idaho shall authorize, order or carry out diversion of such animals to a destination or consignee other than set forth on the health certificate or permit without notifying the Bureau of Animal Health of the Department of Agriculture within seventy-two (72) hours of the diversion. (12-10-84)

10. Where Brucellosis Agglutination Tests Shall Be Made. All brucellosis agglutination tests of animals which are intended for shipment into the state of Idaho shall be made in the following: (12-10-84)

a. Laboratories. State-federal approved laboratories. (12-10-84)

b. Commercial Laboratories. Commercial laboratories operated under the supervision of the United States Department of Agriculture and approved by the state of origin. (12-10-84)

c. Veterinarians. By veterinarians approved by the livestock sanitary officials of the state of origin to make such tests. (12-10-84)

11. Duties Of Carrier Regarding Health Certificates Of Permits. All owners and operators of railroads, trucks, airplanes, or other conveyances used in the transportation of animals into or within the state of Idaho shall assure themselves each consignment or shipment is in conformity with the applicable statutes and rules of the state of Idaho, and that each consignment is accompanied by an official health certificate or by a permit, or by both, where so required and issued by the authorized livestock sanitary official. Such health certificate or permit, or both, shall be attached to the waybill accompanying the shipment or be in the possession of the attendant in charge of the animals. (12-10-84)

12. Sanitary Condition Of Cars, Trucks And Airplanes. All railroad cars, trucks, airplanes, or other conveyances used in the transportation of animals shall be maintained in a clean and sanitary condition. (12-10-84)

13. Disinfection Of Cars, Trucks And Airplanes. All owners and operators of railroad cars, trucks, airplanes, or other conveyances which have been used for movement of animals infected with or exposed to any infectious, contagious, or communicable disease shall have such cars, trucks, airplanes or other conveyances thoroughly cleaned and disinfected under official supervision by any accredited veterinarian or federal or state livestock inspector or Bureau of Animal Health designated employee, at the point of destination or by permit from the

sanitary officials, may be moved to some other point for cleaning and disinfecting. (12-10-84)

14. General Duties Of Carrier. All owners and operators of railroads, trucks, airplanes, or other conveyances shall conform to all rules and statutes of the state of Idaho in transporting or moving any animals into, within or through the state of Idaho. (12-10-84)

15. Importation Of Cattle Into Idaho. Cattle may enter the state of Idaho provided they are transported or moved in conformity with Section 010 through Subsection 020.09, as revised in 1984, and are accompanied by an official health certificate attesting they are free from evidence of any infectious, contagious, or communicable disease, or exposure thereto, or by a permit, or both. (3-20-97)

- a. General Requirements. (9-14-89)
 - i. An official health certificate is required by statute on all livestock imported into the state. (9-14-89)
 - ii. The following classes of cattle shall have a permit for entry prior to importation: (9-14-89)
 - (1) All intact male and female cattle of dairy breeds not consigned directly to slaughter or to a quarantined feedlot. (9-14-89)
 - (2) All beef breed bulls not consigned directly to slaughter or to a quarantined feedlot. (9-14-89)
 - (3) All cattle from Class B or Class C states. (9-14-89)
 - (4) All cattle from brucellosis surveillance areas or brucellosis high risk areas. (3-19-99)
 - (5) Cattle of any classification that do not meet all other entry requirements. (9-14-89)
 - iii. All cattle entering Idaho shall be subject to a post-entry inspection by personnel authorized by the Bureau of Animal Health to perform such inspections. (9-14-89)
- b. Brucellosis Entry Requirements. (9-14-89)
 - i. All female cattle entering Idaho shall have been officially brucellosis calfhood vaccinated, except: (12-10-84)
 - (1) Calves under four (4) months of age. (12-10-84)
 - (2) Cattle consigned directly to slaughter (or to a specifically approved stockyard for sale to slaughter). (12-10-84)
 - (3) Vaccination eligible heifers may, by permit, be consigned to a specifically approved stockyard or other specified destination where they shall be vaccinated. (12-10-84)
 - (4) Cattle consigned directly to Federal Quarantined or Idaho Registered Quarantined Feedlot (or consigned to specifically approved stockyard for sale to such feedlots). (12-10-84)
 - ii. Brucellosis test requirements. (12-10-84)
 - (1) All test eligible cattle from Class A state shall have been tested negative within thirty (30) days of importation. (12-10-84)
 - (2) All test eligible cattle from Class B or C states shall have been tested negative within thirty (30) days of importation and shall be quarantined on arrival and subjected to a retest forty-five (45) to one hundred twenty (120) days post entry. (12-10-84)

(3) Test eligible cattle from Class A states which border Idaho may be consigned to a specifically approved Idaho stockyard and be tested before cattle lose identity as to origin. (12-10-84)

(4) Test eligible cattle from Class B or C states which border Idaho may be consigned to a specifically approved Idaho stockyard and be tested on arrival. Test must be completed before cattle lose identity as to origin, prior to sale. These cattle shall be quarantined to new owners' premises and undergo a second test forty-five (45) to one hundred twenty (120) days post entry. (12-10-84)

(5) Test eligible cattle which are not official brucellosis calfhood vaccinates (bulls, etc.) which originate in Class C areas or states shall be tested as provided by UM&R and CFR prior to movement from Class C area or state, and shall be quarantined to new owners premises and undergo a retest forty-five (45) to one hundred twenty (120) days post entry. (The pre-entry testing shall consist of a herd test at least sixty (60) days prior to movement and a retest not more than thirty (30) days prior to movement.) (12-10-84)

(6) Test eligible cattle from brucellosis surveillance areas or brucellosis high risk areas shall be tested negative to an official brucellosis test within thirty (30) days before importation into Idaho or shall be consigned to a specifically approved livestock market where they shall be tested prior to sale. (3-19-99)

(7) Exceptions to test requirement: (12-10-84)

(a) Cattle from Class Free states except as specified in Subsection 210.15.b.ii.(6). (3-19-99)

(b) Cattle from certified free herd in Class Free, A, B, C states except as specified in Subsection 210.15.b.ii.(6). (3-19-99)

(c) Cattle consigned directly to slaughter from Class A state. (12-10-84)

(d) Cattle consigned directly to slaughter from the farm or ranch of origin in a Class B or C state if shipped under movement permit. (12-10-84)

(e) Cattle from other than the farm or ranch of origin in a Class B or C state consigned directly to slaughter or a Federal Quarantined Feedlot if "S" branded prior to shipment and are accompanied by VS 1-27 or "S" brand permit except as specified in Subsection 210.15.b.ii.(6). (3-19-99)

(f) Cattle from Class A state if consigned directly to Federal Quarantined Feedlot or Idaho Registered Quarantined Feedlot or to a specifically approved stockyard for sale to Federal Quarantined Feedlot or Idaho registered Quarantined Feedlot, or directly to slaughter at a recognized slaughter establishment except as specified in Subsection 210.15.b.ii.(6). (3-19-99)

(g) Cattle from a farm or ranch of origin in a Class B or C state which are consigned directly to a specifically approved stockyard for sale to slaughter if such cattle are accompanied by a movement permit except as specified in Subsection 210.15.b.ii.(6). (3-19-99)

(h) Cattle other than from a farm or ranch of origin in a Class B or C state are consigned directly to a specifically approved stockyard for sale to slaughter or Federal Quarantined Feedlot if such cattle are "S" branded prior to shipment and are accompanied by a VS 1-27 or an "S" brand permit except as specified in Subsection 210.15.b.ii.(6). (3-19-99)

(i) Cattle from a farm or ranch of origin in a Class B or C state may be consigned to a Federal Quarantined Feedlot or to a specifically approved market for sale to a Federal Quarantined Feedlot without being "S" branded and without a VS 1-27 if such cattle are "S" branded upon arrival at the Federal Quarantined Feedlot. Such cattle must be accompanied by a movement permit except as specified in Subsection 210.15.b.ii.(6). (3-19-99)

iii. All test eligible cattle entering Idaho, in addition to above requirements shall be individually identified on the health certificate. (12-10-84)

iv. Cattle not meeting these requirements shall not enter Idaho except by special permission of the

Bureau of Animal Health.

(12-10-84)

v. Grazing cattle from contiguous states which have traditionally been moved by permit into Idaho for seasonal grazing periods shall be moved only under special grazing permits issued jointly by the Bureau of Animal Health and officials of the contiguous state. Grazing permits shall be for one specified season only. Herd owners in order to be eligible to receive a grazing permit must file with the Bureau of Animal Health an approved herd plan to phase out all non-vaccinates in the herd within a designated period of time. The phase out of non-vaccinates shall be accomplished by March 1, 1988. The Bureau of Animal Health, in cooperation with the appropriate agency of the contiguous state, shall have the authority to impose a brucellosis herd test or tests on cattle entering for grazing purposes. This test requirement shall be evaluated on an annual basis by the Bureau of Animal Health and the animal health agency of the contiguous state.

(12-10-84)

vi. Cattle may be imported into the state of Idaho in emergency situations under special permit from the Idaho Director of Agriculture, Idaho Administrator of the Division of Animal Industries or Idaho Chief of the Bureau of Animal Health. Cattle allowed entrance under this provision will be held separate and apart from Idaho cattle and will be quarantined for a specific time period to a specific area for grazing and/or feeding purposes. At the end of the quarantine time period the cattle will be returned to the state of origin, but must meet that state's import requirements prior to departure from Idaho; provided further, that should such cattle desire to remain in Idaho after the time period has expired, then such cattle must meet the same health and test requirements as would normally be required of any import cattle and this shall be done at the owner's expense.

(12-10-84)

vii. Any animals imported in violation of these rules shall be placed under strict quarantine and consigned to immediate slaughter, removed from the state or to a Federal Quarantined Feedlot or Idaho Registered Quarantined Feedlot within fifteen (15) days, or such shipment shall be returned to the point of origin by the importer.

(12-10-84)

viii. In addition to meeting the above requirements for entry, livestock imported into Idaho shall meet all requirements set forth in the CFR as revised in 1984 or as the 9 CFR is subsequently revised. Cattle exposed to or infected with brucellosis shall meet all requirements set forth in 9 CFR.

(12-10-84)

c. With Regard to Tuberculosis. ~~Dairy and breeding~~ Cattle and bison may enter the state of Idaho provided:

~~(12-10-84)~~(8-22-00)T

i. ~~They~~ Cattle and bison that originate in an accredited tuberculosis free herd ~~in either an accredited free state or zone, a modified accredited advanced state or zone, or a modified accredited state or zone, as defined by USDA in Title 9, Part 77, Code of Federal Regulations (CFR), and for which both an accredited herd number and date of last tuberculosis test are shown on the health certificate, may enter the state without a tuberculosis test. ~~or~~~~

~~(12-10-84)~~(8-22-00)T

ii. ~~They~~ Cattle and bison that originate from a bovine tuberculosis accredited free ~~Area and from a herd not under quarantine; or~~ state or zone, as defined by USDA in Title 9, Part 77, CFR, in which there are no animals or herds infected with or exposed to tuberculosis may enter the state without a tuberculosis test.

~~(12-10-84)~~(8-22-00)T

iii. ~~They~~ Cattle and bison that originate from a modified accredited ~~area that has had no Tuberculosis positives within the past twelve (12) months; or~~ advanced state or zone, as defined by USDA in Title 9, Part 77, CFR, and are not known to be infected with or exposed to tuberculosis, may be imported upon meeting the following requirements:

~~(12-10-84)~~(8-22-00)T

(1) Steers, spayed heifers and individually identified intact heifers, which are consigned directly to a feedlot approved for finish feeding of cattle or bison relative to tuberculosis, may enter without testing for tuberculosis; and

(8-22-00)T

(2) All other cattle and bison, except those consigned for immediate slaughter at an approved slaughter establishment, shall be tested for tuberculosis with negative results within ninety (90) days of entry into Idaho.

(8-22-00)T

iv. ~~Cattle not meeting requirements in Subsections 280.03.a., 280.03.b., and 280.03.c. shall have been tested with negative results within thirty (30) days of shipment and originate in non-reactor herds; or~~ and bison that originate in a modified accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, and which are not known to be infected with or exposed to tuberculosis, may enter Idaho under one (1) of the following conditions:
(~~12-10-84~~)(8-22-00)T

(1) The cattle and bison are steers, spayed heifers or intact heifers which are consigned directly to a feedlot approved for finish feeding of cattle and bison relative to tuberculosis and that have been individually identified and classified negative on an official tuberculosis test within sixty (60) days of entry into Idaho;(8-22-00)T

(2) The cattle and bison are consigned for immediate slaughter at an approved slaughter establishment;
or (8-22-00)T

(3) The cattle and bison have been subjected to two (2) official tuberculosis tests, the results of which are negative, that are at least sixty (60) days and no more than six (6) months apart with the second test being conducted not more than sixty (60) days prior to entry into Idaho. (8-22-00)T

v. ~~Obtain a permit from Idaho Bureau of Animal Health and animals placed under quarantine for testing and compliance with entry requirements. Cattle and bison that originate in an accredited preparatory state or zone, as defined by USDA in Title 9, Part 77, CFR, and which are not known to be infected with or exposed to tuberculosis, may enter Idaho under one (1) of the following conditions:~~
(~~12-10-84~~)(8-22-00)T

(1) The cattle and bison are steers, spayed heifers or intact heifers which are consigned directly to a feedlot approved for finish feeding of cattle and bison relative to tuberculosis and that are individually identified and have been classified negative on two (2) official tuberculosis tests conducted at least sixty (60) days but not more than six (6) months apart with the second test being conducted not more than sixty (60) days prior to entry into Idaho;
(8-22-00)T

(2) The cattle and bison originate in a tuberculosis accredited free herd, are individually identified, and have been tested negative on an official tuberculosis test within sixty (60) days of entry into Idaho; or (8-22-00)T

(3) The cattle and bison are individually identified, are from a herd that has been subjected to a complete tuberculosis herd test with negative results within the past twelve (12) months and the animals being imported have been subjected to two (2) additional official tuberculosis tests with negative results, conducted not less than sixty (60) days apart with the second test being conducted not more than sixty (60) days prior to the date of importation. (8-22-00)T

vi. Cattle and bison that originate in a non-accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, may not enter Idaho except by special permit issued by the administrator and under the conditions specified by the administrator at the time the permit is issued. (8-22-00)T

d. Scabies. (12-10-84)

i. All cattle not known to be affected with Scabies consigned to Idaho from any state or area designated as a Scabies quarantined area are to be accompanied by a certificate of veterinary inspection from the state of origin indicating that such animals have been treated with an approved scabicide. Such cattle must be accompanied by an entry permit from the Idaho Division of Animal Industries. The only exceptions to the above requirements are as follows: (12-10-84)

(1) Cattle may be moved by permit from the Idaho Division of Animal Industries to an Idaho premise for treatment for Scabies within twenty-four (24) hours after arrival. Such cattle shall not be mixed or allowed to intermingle with resident cattle prior to official treatment. (12-10-84)

(2) Cattle may be shipped without permit directly to a federally inspected slaughter establishment. (12-10-84)

(3) Female cattle of dairy breeds over eighteen (18) months of age may be shipped into Idaho by

permit, but without treatment for Scabies, but must have a hands-on inspection by an accredited veterinarian or state/federal livestock sanitary official to ascertain that the cattle are not infected. (12-10-84)

ii. Punishment for violation of rules. Any person, firm or corporation violating any of the provisions of these rules, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each offense, or by imprisonment in the county jail not exceeding six (6) months. (12-10-84)

e. Trichomoniasis. The Certificate of Veterinary Inspection for bulls imported into Idaho shall contain a statement certifying that Trichomoniasis is not known to exist in the herd of origin, and: (9-14-89)

i. The bull(s) are two (2) years of age or younger and have not serviced a cow; or (9-14-89)

ii. The bull(s) have been tested by culture for trichomoniasis within thirty (30) days of shipment and were negative to the test. (9-14-89)

iii. Exceptions to certification and testing: (9-14-89)

(1) Bulls consigned directly to slaughter at a recognized slaughter establishment. (9-14-89)

(2) Bulls consigned directly to a quarantined feedlot. (9-14-89)

16. Dogs And Cats. (12-10-84)

a. Dogs. All dogs imported into the state of Idaho shall be accompanied by an official health certificate attesting that such dogs are apparently free from any infectious, contagious or communicable disease, and have been officially vaccinated against rabies. Officially vaccinated shall mean vaccinated in accordance with the current recommendations of the NASPHV compendium of Animal Rabies Vaccines. Puppies under three (3) months of age originating from a rabies quarantined area must have a permit from the Idaho Bureau of Animal Health prior to importation. (12-10-84)

b. Cats. All cats imported into the state of Idaho shall be accompanied by an official health certificate attesting that such cats are apparently free from any infectious, contagious or communicable disease. Cats three (3) months of age or older shall have been vaccinated for rabies according to the recommendations of the current NASPHV Compendium on Rabies. (12-10-84)

17. Horses, Mules, Asses And Equidae. All horses, mules, asses and equidae which are to be transported or moved into the state of Idaho shall be accompanied by an official certificate of veterinary inspection or extended validity equine certificate, from the state of origin, stating that the equidae are free from evidence of any communicable disease and have completed Equine Infectious Anemia (EIA) test requirements, except as provided in this section. (3-20-97)

a. Equine Infectious Anemia (EIA) Test Requirements. (3-20-97)

i. An official EIA test is a blood test for EIA conducted by a USDA approved laboratory, within six (6) months of entry of the equidae into Idaho. (3-20-97)

(1) Entry of equidae into Idaho shall not be allowed until the EIA test has been completed and reported negative. Equidae with tests "pending" are not acceptable. Equidae which test positive to the EIA test shall not be permitted entry into Idaho, except by special written permission from the Bureau of Animal Health. (3-20-97)

(2) A nursing foal less than six (6) months of age accompanied by its EIA negative dam is exempt from the test requirements. (3-20-97)

b. "Working horses" used for seasonal ranching purposes may be exempt from the requirements of this section if the horses have been included on a current grazing permit which has received prior approval from the Bureau of Animal Health and the chief livestock sanitary official in a western state which reciprocates with Idaho in

honoring grazing permits. (3-20-97)

c. Equids being moved directly to a USDA approved equine slaughter establishment may be exempted from EIA test requirements. (3-20-97)

d. The Bureau of Animal Health may develop cooperative reciprocal agreements with neighboring states which exempt EIA testing requirements for movement of equidae between the cooperating states. (3-20-97)

e. Findings and Effective Date. The amendments to Section 210 confer a benefit to the equine industry by protecting the equine industry against Equine Infectious Anemia and by providing a reasonable, effective mechanism for interstate movement of equidae among the states of the region. (3-20-97)

18. Poultry. (12-10-84)

a. Health Certificate. Poultry may enter the state of Idaho without a health certificate if apparently healthy. (12-10-84)

b. Psittacine Birds. Parakeets and other psittacine birds that will not be commercially exchanged in any manner may enter the state of Idaho without registration or health certificate if apparently healthy. All individuals commercially associated with all birds to be used as pets shall contact the Idaho State Department of Health and Welfare, Bureau of Preventive Medicine, Boise, Idaho, before transporting or moving birds into the state of Idaho. (12-10-84)

19. Imported Swine. (1-10-94)

a. Swine. Swine may enter the state of Idaho provided they meet the following brucellosis and pseudorabies requirements, and are accompanied by a certificate of veterinary inspection attesting that they have been inspected within thirty (30) days of date of shipment, that they are free from evidence of all infectious, contagious, or communicable diseases, or known exposure thereto during the preceding sixty (60) days, that they have not been vaccinated with any pseudorabies vaccine, and that they have not been fed raw garbage. Swine for immediate slaughter which are apparently healthy may enter the state of Idaho without a certificate of veterinary inspection, provided the applicable permit requirements are met and the swine are consigned directly to a recognized slaughter establishment, or to a specifically approved livestock market for sale to a recognized slaughter establishment. (1-10-94)

b. Brucellosis Rules - Breeding Swine. Negative tests for brucellosis at a dilution of one to twenty-five (1:25) within thirty (30) days of entry or negative to Official Card Test, within thirty (30) days of entry, or originate from a validated brucellosis free herd or validated brucellosis free state. (7-1-93)

c. Pseudorabies Import Rule. (1-10-94)

i. Breeding Swine. Must have a permit for entry from the Idaho Division of Animal Industries and be individually identified by official ear tags or other approved techniques, and be shipped directly from a farm of origin or a market in a Stage IV or V state/area, or may be shipped directly from a qualified pseudorabies-negative herd. Such swine must be quarantined in isolation at destination and retested thirty to sixty (30-60) days following importation, or must have a negative official pseudorabies test within thirty (30) days prior to entry. Such swine must be quarantined in isolation and retested at destination thirty to sixty (30-60) days following importation. (1-10-94)

ii. Feeder Pigs. Must have a permit for entry from the Idaho Division of Animal Industries and be identified by an official ear tag, approved legible ear tattoo or other approved techniques indicating the state and herd of origin, and be shipped directly from a farm of origin or a market in a Stage IV or V state/area, or be shipped directly from a qualified pseudorabies-negative herd, or Feeder pigs not meeting Subsection 300.03.b.ii. or 300.03.b.iii., must have a negative official pseudorabies test within thirty (30) days prior to entry. Such swine must be quarantined in isolation at destination and retested thirty to sixty (30-60) days following importation. (1-10-94)

iii. Slaughter Swine. Infected or exposed swine shall be accompanied by a permit and may be shipped directly to a recognized slaughter establishment. Slaughter swine, which are not known to be infected or exposed,

may be imported from a state/area with a program status up to and including Stage III, for movement directly to a recognized slaughter establishment, without permit. Slaughter swine from Stage IV or V state/area, which are not known to be infected or exposed, may be imported directly to recognized slaughter establishments or to specifically approved stockyards for sale to recognized slaughter establishments, without permit. (1-10-84)

20. Wild Animals. All wild animals and semi-wild animals not under domestication are under the supervision of the Idaho Department of Fish and Game and all matters pertaining to any restrictions governing their movement into the state of Idaho is under the supervision of the Fish and Game Department. (12-10-84)

21. Biologics. (12-10-84)

a. **Distribution Permit.** By rule, serum, vaccines, bacterins and biological remedies of all kinds used as diagnostic agents or used in the treatment of diseases of livestock or poultry shall not be sold, distributed or used within the state of Idaho or imported into the state for sale, distribution or use unless such serum, vaccines, bacterins and biological remedies have been produced under a permit granted by the United States Department of Agriculture, Veterinary Service. (12-10-84)

b. **Shipping Virulent Blood or Living Virus.** By rule, all manufacturers, dealers and distributors of biological products are hereby prohibited from shipping any virulent blood or living virus (brucella abortus vaccine) of any disease affecting livestock, dogs, or poultry into the state of Idaho, unless written permission shall first be obtained from the Idaho Division of Animal Industries and no living virus for use in animals or poultry shall be distributed or used within the state of Idaho unless permission in writing shall first be obtained from the Idaho Division of Animal Industries at Boise for the distribution and use of the same. (12-10-84)

c. **Labels.** By rule no permit under Subsections 310.01 and 310.02 will be issued unless the product shall be contained in vessels bearing labels approved by the Idaho Bureau of Animal Health, properly identifying the product by proper name and description, bearing adequate directions for the use of the product, and bearing no statement, design, or device that may deceive the purchaser, or that is false or misleading in any particular. (12-10-84)

22. Domestic Fur-Bearing Animals. All domestic fur bearing animals which are transported or moved into the state of Idaho shall be accompanied by an official health certificate from the state of origin. (12-10-84)

23. Additional Provisions. In addition to the aforementioned provisions, the regulations as outlined in Title 9, CFR, United States Department of Agriculture, Veterinary Services, governing the movement of livestock shall be adhered to. (12-10-84)

24. Violation Of Rules. Pursuant to Titles 18, 25, 37, and 67, Idaho Code, a violation of the rules of the Idaho Department of Agriculture, Bureau of Animal Industry, shall constitute a misdemeanor. (9-6-61)

25. Actinomycosis - Lump Jaw - Public Livestock Markets. Any animal infected or affected with the disease known as actinomycosis and/or actinobacillosis, commonly referred to as "lump jaw", to the extent that the lesion is open and/or there is drainage therefrom, entering a Public Livestock Market shall be held only in the quarantine pen and sold only therefrom, and only in accordance with Subsection 190.01. (12-27-61)

26. Bison. (9-5-67)

a. **Shipment.** All shipments must be in compliance with Federal Interstate regulations. (9-5-67)

b. **Permits.** A permit is required from the Idaho Bureau of Animal Industry prior to importation of bison. (9-5-67)

(BREAK IN CONTINUITY OF SECTIONS)

361. -- ~~364~~. (RESERVED).

364. DOMESTIC CERVIDAE FARMING.

365. DEFINITIONS FOR DOMESTIC CERVIDAE FARMING.

01. Definitions: Accredited Veterinarian. A veterinarian approved by the Deputy Administrator of United States Department of Agriculture (USDA), Animal and Plant Health Inspection Services (APHIS), Veterinary Services (VS), and the state veterinarian in accordance with 9 C.F.R. Part 161 (January 1, 1997) to perform functions required by cooperative state-federal animal disease control and eradication programs; ~~(3-20-97)~~(8-22-00)T

02. Adjacent Herd. Any or all of the following; (8-22-00)T

a. A herd of cervidae occupying premises that border a premise occupied by an affected herd, including herds separated by roads or streams; (8-22-00)T

b. A herd of cervidae occupying premises that were previously occupied by an affected herd within the past five (5) years as determined by the designated epidemiologist; (8-22-00)T

c. Two (2) herds that are maintained on a single premise even if they are managed separately, have no commingling, and have separate herd records. (8-22-00)T

~~03.~~ **Administrator.** Administrator of the division of animal industries or his designee. (3-20-97)

04. Approved Laboratory. An American Association of Veterinary Laboratory Diagnosticians (AAVLD) accredited laboratory or a laboratory designated by the Administrator to perform the Program-required Chronic Wasting Disease diagnostic procedures. Designated laboratories include Colorado State University, Wyoming State Veterinary Diagnostic Laboratory, National Veterinary Services Laboratory (NVSL), Ames, Iowa or other laboratories designated by the Administrator. (8-22-00)T

05. Area Veterinarian In Charge (AVIC). The veterinary official of Veterinary Services, APHIS, United States Department of Agriculture. (8-22-00)T

06. Breed Associations And Registries. Organizations maintaining permanent records of ancestry or pedigrees of animals, individual animal identification records and records of ownership. (8-22-00)T

07. Certificate. An official document issued by a state or federal animal health official or an accredited veterinarian at the point of origin of a shipment of cervidae, which contains information documenting the age, sex, species, individual identification of the animals, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, the status of the animals relative to official diseases, test results and any other information required by the state animal health official for importation or translocation. (8-22-00)T

08. Certified Chronic Wasting Disease (CWD) Cervid Herd. A herd of cervidae that has qualified for and has been issued a certified CWD cervid herd certificate signed by the administrator or the animal health official of the state of origin. (8-22-00)T

09. Cervidae. Deer, elk, moose, caribou, reindeer, and related species and hybrids including all members of the cervidae family and hybrids. (8-22-00)T

10. Cervid Dealer. Any individual or legal entity who engages in the business of buying, selling, trading, or negotiating the transfer of Cervidae, but not persons who purchase Cervidae exclusively for slaughter on their own premises. (8-22-00)T

~~11.~~ **Cervidae Farms Or Ranches.** A location where domestic cervidae are held, raised, propagated or otherwise controlled. (3-20-97)

12. Cervid Herd. One (1) or more groups of Cervidae maintained on common ground or under

common ownership or supervision that may be geographically separated but can have interchange or movement. Herds of different status may be maintained on a single premise if they are managed separately, have no commingling, have separate working facilities, have thirty (30) yards physical separation, have separate herd records and there is complete disinfection before people or implements or vehicles move between herds. Changes in ownership of a cervid herd does not change the status of the herd or the applicable regulatory requirements.

(8-22-00)T

13. Cervid Herd Of Origin. A cervid herd, on any farm or other premises, where the animals were born, or where they were kept for at least one year prior to date of shipment.

(8-22-00)T

14. Commingling. Animals having less than thirty (30) yards physical separation.

(8-22-00)T

15. Chronic Wasting Disease (CWD). A transmissible spongiform encephalopathy of cervids, which is a nonfebrile, transmissible, insidious, and degenerative disease affecting the central nervous system of cervidae. CWD is a reportable disease as described in Section 25-211, Idaho Code, and is a reportable emergency disease as defined in Section 25-212, Idaho Code. CWD may cause one (1) or more of the following signs or symptoms in affected animals:

(8-22-00)T

a. Weight loss despite retention of appetite;

(8-22-00)T

b. Behavioral abnormalities;

(8-22-00)T

c. Motor abnormalities including, but not limited to, incoordination;

(8-22-00)T

d. Tremor;

(8-22-00)T

e. Star gazing;

(8-22-00)T

f. Recumbency;

(8-22-00)T

g. Drooling;

(8-22-00)T

h. Aspiration pneumonia; and

(8-22-00)T

i. Death.

(8-22-00)T

16. CWD-Affected Cervid Herd. A cervid herd from which any animal(s) has been diagnosed as affected with CWD, based on the following: laboratory results; clinical signs and symptoms; or epidemiological investigations; and for which an individual herd plan has not been developed; and which has not been enrolled in the Mandatory Cervid Chronic Wasting Disease Monitoring Program (MCCWDMP).

(8-22-00)T

17. CWD-Exposed Cervid Animal Or Herd. A designation applied to Cervidae that are not exhibiting symptoms of CWD and are either part of an affected herd, adjacent herd, or a herd from which an epidemiological investigation indicates that contact with CWD affected animals or contact with animals from a CWD affected herd has occurred in the previous five (5) years.

(8-22-00)T

18. CWD-Monitored Cervid Herd. A herd of cervidae for which the requirements of the MCCWDMP have been complied with.

(8-22-00)T

19. CWD-Positive Cervid Animal. An animal, which has had a clinical diagnosis of CWD confirmed through positive test results on any official cervid CWD test by an approved laboratory or has been declared by state or federal animal health officials to be infected with CWD based on clinical symptoms or other evidence of infection.

(8-22-00)T

20. CWD-Suspect Cervid Animal. A designation applied to Cervidae for which laboratory evidence or clinical signs suggests a diagnosis of CWD, but for which laboratory results are inconclusive and will be quarantined until confirmed CWD positive or negative.

(8-22-00)T

- e21. Department Of Agriculture.** The Idaho Department of Agriculture. (3-20-97)
- 22. Designated Epidemiologist.** A state or federal veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the state veterinarian to fulfill the epidemiology duties relative to the state CWD program. (8-22-00)T
- 23. Disposal.** Any cervidae condemned, appraised, and slaughtered or destroyed by direction of the administrator in accordance with Section 25-212, Idaho Code, shall be disposed of as directed by the administrator. (8-22-00)T
- d24. Division.** Division of Animal Industries. (3-20-97)
- e25. Domestic Cervidae.** Domestically raised, owned or controlled fallow deer (*Dama dama*), elk (*Cervus elaphus*) or reindeer (*Rangifer tarandus*). (3-20-97)
- f26. Domestic Cervidae License.** A license issued by the Division of Animal Industries, Idaho Department of Agriculture, that allows raising of domestic cervidae on a cervidae farm. (3-20-97)
- 27. Herd Status.** Classification of a cervidae herd with regard to CWD including the Mandatory Cervid Chronic Wasting Disease Monitoring Program or Voluntary Cervidae Chronic Wasting Disease Certification Program (VCCWDMP). The VCCWDMP herd's status and enrollment time may remain with the herd when a change of ownership, management or premises occurs, if there is no contact with cervidae of lesser status, and no previous history of CWD on the premises. The possible statuses include Monitored Category, Certified, Exposed, Infected, Trace, Source, Suspect, and Pending. (8-22-00)T
- 28. Individual Herd Plan.** A written herd management agreement and testing plan approved by the administrator to identify and eradicate CWD from an affected, source, suspect, exposed, or adjacent herd. The herd plan shall be developed by the herd owner, a designated epidemiologist, the owner's accredited veterinarian, if requested, APHIS Representative and state animal health official. (8-22-00)T
- 29. Limited Contact.** Incidental contacts between animals of different herds, in separate pens off of the herd's premises at fairs, shows, exhibitions and sales. (8-22-00)T
- 30. Mandatory Cervid CWD Monitoring Program, (MCCWDMP).** A CWD monitoring and surveillance program requiring individual identification of all cervids, maintenance of records showing all cervid identification numbers, sex, age, source and disposition for all cervidae on the premises, and laboratory diagnosis at owners expense. MCCWDMP requires examination of brain tissue or other tissues as directed by the administrator, on all deaths of cervids eighteen (18) months of age or older. Where samples are not submitted for evaluation due to postmortem changes or unavailability, the administrator shall conduct an investigation to determine compliance with MCCWDMP. Owners may collect and submit samples as directed by the administrator to be in compliance with the Mandatory Chronic Cervid Wasting Disease Monitoring Program. Fallow deer and Reindeer are exempt from the requirements of this program unless part of a CWD affected herd. (8-22-00)T
- 31. Nonparticipating Herd.** A herd that is not enrolled in the MCCWDMP or VCCWDMP Programs. Nonparticipating herds shall be placed and held under quarantine until the herd has qualified for and has been enrolled in either the MCCWDMP or VCCWDMP Programs. (8-22-00)T
- 32. Official Cervid CWD Test.** A test approved by the administrator and conducted at an approved laboratory to diagnose CWD. (8-22-00)T
- 33. Official Cervid Identification.** A USDA, APHIS, VS approved identification eartag that conforms to the alphanumeric National Uniform Eartagging System as defined in 9 C.F.R. Part 71.1 (January 1, 1997) or other identification device, approved by the administrator, which uniquely and permanently identifies each cervid. (8-22-00)T
- 34. Owner.** An individual, partnership, company, corporation, or other legal entity that has legal or

rightful title to an animal (cervidae) or a herd of animals (cervidae). (8-22-00)T

35. Premises. The ground, area, buildings, and equipment communally shared by a herd or herds of animals. (8-22-00)T

36. Quarantine. An order issued on authority of the administrator by a state or federal animal health official or accredited veterinarian prohibiting movement of cervids from any location without a written restricted movement permit. (8-22-00)T

37. Quarantine Facility. A confined area where selected domestic cervidae can be secured and isolated from all other cervidae and livestock. (3-20-97)

38. Restricted Movement Permit. An official document that is issued by the administrator or Area Veterinarian-in-Charge or an accredited veterinarian for movement of affected, suspect, or exposed animals. (8-22-00)T

39. Source Herd. A herd from which at least one (1) animal has originated within the previous five (5) years and that cervid has been diagnosed CWD positive. A herd will no longer be considered a source herd after it has completed the "Mandatory Cervid CWD Monitoring or Voluntary Cervid CWD Certification Program" herd plan requirements. Methods for identification of a source herd include, but are not limited to, the following: (8-22-00)T

a. DNA identification; (8-22-00)T

b. Movement, production, or registry records; and (8-22-00)T

c. Possessing the original ear-tag applied in herd of origin, or tamper-resistant ear-tag, or skin tattoo in ear or butt tissue. (8-22-00)T

40. State. Any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Guam. (8-22-00)T

41. State Animal Health Official. A state or federal employee working in animal health activities who is authorized by the administrator to perform VCCWDCP and MCCWDMD duties or other CWD control duties. (8-22-00)T

42. State Chronic Wasting Disease Oversight Committee. A committee composed of six (6) members including the administrator or his designee, two (2) accredited veterinarians appointed by the administrator, and three (3) cervidae ranchers appointed by the cervidae industry. The advisory board shall elect its own chairman and may advise the administrator regarding management of the chronic wasting disease programs. (8-22-00)T

43. Status Date. The date on which the administrator approves in writing a herd status change with regard to CWD. (8-22-00)T

44. Trace Herd. A herd in which one (1) CWD positive animal originated within the previous five (5) years but does not meet the requirements outlined under the "Source Herd" definition. (8-22-00)T

45. Traceback. The process of identifying the movements and the herd of origin of CWD positive animals, including herds that were sold for slaughter. (8-22-00)T

46. United States Department of Agriculture (USDA) - Animal and Plant Health Inspection Service (APHIS) - Veterinary Services (VS). (8-22-00)T

47. Ungulate. Hoofed animal. (3-20-97)

48. Voluntary Cervid CWD Certification Program, (VCCWDCP). A voluntary CWD certification program requiring monitoring, individual identification of all cervids, maintenance of records showing all cervid identification numbers, sex, age, source, and disposition for all cervidae on the premises, and laboratory diagnosis at

owners expense. The program requires examination of brain tissue or other tissues, as directed by the administrator, on all deaths of cervids eighteen (18) months of age or greater. In case of death loss where samples are not submitted for evaluation due to postmortem changes or unavailability, the administrator shall conduct an investigation to determine compliance. Owners may collect and submit samples as directed by the Administrator to be in compliance with the VCCWDCP. Animals imported into a VCCWDCP herd must come only from herds of equal or greater CWD Certification program status. (8-22-00)T

~~02366.~~ LICENSE AND FEES.

~~a01.~~ Domestic Cervidae License. No person shall possess, obtain, control, or propagate domestic cervidae in this state unless first securing a domestic cervidae license from the Division of Animal Industries. A form will be provided by the division which sets forth such reasonable information as may be required by the Administrator. The facility shall be inspected and approved by the Division prior to issuing a license. (~~3-20-97~~)(8-22-00)T

~~b02.~~ Application For Cervidae License. The application for such license shall be made prior to construction of a new facility. (~~3-20-97~~)(8-22-00)T

~~e03.~~ Application Fee For Cervidae License. The initial application shall be accompanied by a one hundred dollar (\$100) fee to cover the cost of inspections and the licensing process. An annual fifty dollar (\$50) renewal fee will be required each January 1. A license shall be valid from January 1 through December 31 of each year. (~~3-20-97~~)(8-22-00)T

~~a04.~~ License For Each Cervidae Farm Or Ranch. A valid license shall be obtained for each separate location of a cervidae farm or ranch. (~~3-20-97~~)(8-22-00)T

~~e05.~~ Fee Assessed On All Domestic Cervidae. In addition to the cervidae license, a fee, not to exceed five dollars (\$5) per head on elk or three dollars (\$3) per head on fallow deer and reindeer, is to be assessed on all domestic cervidae in the state to cover the cost of administering the program covered in these rules. This fee is due January 1 of each year. (~~3-20-97~~)(8-22-00)T

~~03367.~~ FACILITIES.

All domestic cervidae will be held in a secure enclosure. For the purpose of this rule, a secure enclosure is one so constructed as to prevent danger to the surrounding environment, wildlife or livestock of the state, including the escape of domestic cervidae or ingress of native wildlife ungulates. (3-20-97)

~~04368.~~ FENCING REQUIREMENTS.

~~a01.~~ Perimeter Fence Construction. A perimeter fence shall be constructed of high-tensile, non-slip woven wire or other fencing material approved by the administrator. (~~3-20-97~~)(8-22-00)T

~~i~~a. For elk and fallow deer, the fence shall be a minimum of eight (8) feet in height for its entire length. (3-20-97)

~~i~~b. For reindeer, the fence shall be six (6) feet in height for its entire length. (3-20-97)

~~i~~c. The top two (2) feet of each fence may be smooth, barbed or woven wire (at least twelve and one-half (12-1/2) gauge) with horizontal strands spaced not more than six (6) inches apart. Wire shall be placed on the animal side of the fence to prevent pushing the wire away from the posts. (3-20-97)

~~b02.~~ Fence Posts. Posts used in the perimeter fence constructed of high-tensile, non-slip woven wire shall be at least butt-end treated with a commercially available preservative and have a minimum of four (4) inch top for line posts and a minimum of five (5) inch top for corner posts. Posts shall be spaced no more than twenty-four (24) feet apart, with stays, supports or braces as needed, and be placed in the ground a minimum of three (3) feet. Any deviations from these specifications shall be approved by the administrator. (~~3-20-97~~)(8-22-00)T

~~e03.~~ Fence Maintenance. Fences shall be maintained at all times to prevent domestic cervidae from

escaping or native wildlife ungulates from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the owner of the enclosure shall immediately repair or supplement the fence to prevent continued passage. ~~(3-20-97)(8-22-00)T~~

~~04.~~ **Gates.** Each enclosure shall have adequate gates that prohibit the escape of domestic cervidae. ~~(3-20-97)(8-22-00)T~~

~~e~~ *Existing domestic cervidae producers will be given until January 1, 1997 to bring their facilities into compliance with the requirements of these rules.* ~~(3-20-97)~~

05369. RESTRAINING SYSTEM.

Each cervidae farm shall have a system of restraining domestic cervidae for the purpose of inspection and testing of animals by division personnel. Minimum requirements include a working pen, an alley way and a restraining chute where animals can be humanely handled. The restraint facility shall be approved by the division each year as part of the relicensing process. (3-20-97)

06370. QUARANTINE FACILITY.

If animals are to be imported onto the domestic cervidae farm, a quarantine facility shall be provided for holding animals until tuberculosis retesting is accomplished. (3-20-97)

07371. IDENTIFICATION.

~~01.~~ **Identification Of All Domestic Cervidae.** All domestic cervidae shall be individually and uniquely identified by two (2) of the three (3) following methods: ~~(3-20-97)(8-22-00)T~~

~~a.~~ Official USDA eartag or other eartag approved by the administrator. (3-20-97)

~~b.~~ Ear tattoo using an alpha numeric tattoo sequence that has been recorded with the Division of Animal Industries. The tattoo shall be applied in the left ear. (3-20-97)

~~c.~~ Microchip approved by the division, in cooperation with the Idaho Brand Department, with an identifying number/frequency that has been recorded with the division. (3-20-97)

~~02.~~ **Eartags.** It is recommended that cervidae breeders place an additional visible eartag in each animal so that identification of individual animals is possible without restraint of the animal. ~~(3-20-97)(8-22-00)T~~

~~03.~~ **All Progeny Of Domestic Cervidae Shall Be Permanently Identified.** All progeny of domestic cervidae shall be permanently identified by December 31 of the year of birth or upon leaving the cervidae farm, whichever is earlier. Official identification, once assigned to an individual animal, shall not be changed or transferred to another animal. Animals that lose identification devices shall be reidentified in accordance with Subsection ~~36571.071.a.~~ ~~(3-20-97)(8-22-00)T~~

08372. DISEASE CONTROL AND GENETICS.

~~01.~~ **Incorporated Documents.** *Tuberculosis Eradication in Cervidae, Uniform Methods and Rules, Effective May 15, 1994, as amended, and Brucellosis Eradication, Uniform Methods and Rules, Effective May 6, 1992 "Bovine Tuberculosis Eradication, Uniform Methods and Rules", Effective January 22, 1999, as amended, and "Brucellosis in Cervidae", effective September 30, 1998, as amended, both of which methods and rules are hereby incorporated by reference will be used as the standards for tuberculosis and brucellosis eradication in domestic cervidae. Copies of the methods and rules are on file at the division of animal industry offices located at 2270 Old Penitentiary Road, Boise, Idaho and through the Department of Administration, Office of the Rules Coordinator, located at 650 West State Street, Boise, Idaho 83720.* ~~(3-20-97)(8-22-00)T~~

~~02.~~ **Testing Of Domestic Cervidae.** The administrator may require, when sufficient risk exists, that domestic cervidae in the state be tested for brucellosis (*Brucella abortus* or *Brucella suis*), tuberculosis (*Mycobacterium bovis*), meningeal worm (*Parelaphostrongylus tenuis*) or muscle worm (*Elaphostrongylus cervus*), CWD and/or for other diseases or parasites determined to pose a risk to other domestic cervidae, livestock or wildlife.

The administrator shall determine appropriate testing procedures and methods. ~~(3-20-97)~~(8-22-00)T

~~¶03.~~ **Red Deer Genetic Influence.** Any animals identified as having red deer genetic influence shall be destroyed, removed from the state, or neutered. ~~(3-20-97)~~(8-22-00)T

~~¶373.~~ **REPORTING.**

~~¶01.~~ **Annual Report.** A person possessing domestic cervidae shall submit a completed annual report of all animals held, no later than December 31 of each year, on a form provided by the division. Such annual report is required for yearly license renewal. ~~(3-20-97)~~(8-22-00)T

~~¶02.~~ **Change Of Address.** Persons possessing domestic cervidae shall notify the Division of Animal Industries within thirty (30) days of any change of address and/or location of the domestic cervidae farm. ~~(3-20-97)~~(8-22-00)T

~~¶03.~~ **Escape Of Domestic Cervidae.** Whenever any domestic cervidae escape from a domestic cervidae farm, the owner, manager or caretaker shall notify the division immediately. The division shall then be responsible to notify the Department of Fish and Game of such escape. The division or its designee may dispose of domestic cervidae that have escaped the owner's control in order to insure the health and genetic purity of Idaho's wild ungulate populations. ~~(3-20-97)~~(8-22-00)T

~~¶04.~~ **Death Of Domestic Cervidae.** The death of a domestic cervidae over one (1) year of age shall be reported to the division within twenty-four (24) hours of such death, excluding slaughter animals. ~~(3-20-97)~~(8-22-00)T

~~¶374.~~ **INSPECTION.**

~~¶01.~~ **Domestic Cervidae Located In The State.** All domestic cervidae located in the state and records related thereto, are subject to inspection for compliance with the provisions of this section. ~~(3-20-97)~~(8-22-00)T

~~¶02.~~ **Inspections Conducted At Reasonable Times.** Such inspections shall be conducted at reasonable times and locations, with the owner or the owner's representative present. ~~(3-20-97)~~(8-22-00)T

~~¶375.~~ **NOTIFICATION AND DISPOSITION OF DISEASED ANIMALS.**

~~¶01.~~ **Notification Of Division Of Domestic Cervidae Exposure To Disease.** Any owner, caretaker, or dealers in domestic cervidae, and any veterinarian practicing in the state, and any lab conducting cervidae testing who has reason to believe that domestic cervidae are exposed to a dangerous or reportable disease or parasite shall notify the Division immediately. The Administrator may order inspection, quarantine, examination or testing of such animals by a licensed accredited veterinarian, or representative of the division. ~~(3-20-97)~~(8-22-00)T

~~¶02.~~ **Issuance Of Order For Testing, Treatment, Quarantine, or Disposal Of Domestic Cervidae.** The administrator shall determine when testing, treatment, quarantine, or disposal of domestic cervidae is required at any domestic cervidae farm or ranch, pursuant to Idaho Code, Title 25, Chapters 2, 3, 4, 6 and [37] 35. If the administrator determines that testing, treatment, quarantine, or disposal of domestic cervidae or disinfection or sterilization of facilities is required, a written order shall be issued to the owner describing the procedure to be followed and the time period for carrying out such actions. ~~(3-20-97)~~(8-22-00)T

~~¶376.~~ **UNLAWFULLY POSSESSED CERVIDAE.**

~~¶01.~~ **Unlawfully Possessed Domestic Cervidae.** The department may seize, require removal from the state, or require disposal of any unlawfully possessed domestic cervidae. ~~(3-20-97)~~(8-22-00)T

~~¶02.~~ **Reindeer.** Reindeer shall not be owned, possessed, propagated or held in the state north of the Salmon River in order to protect the wild caribou herd in northern Idaho. (3-20-97)

3377. IMPORTED DOMESTIC CERVIDAE.

#01. Inspection And Certification Of Domestic Cervidae. Domestic cervidae may enter the state of Idaho provided ~~that they meet the following requirements, and~~ are accompanied by a Certificate of Veterinary Inspection attesting to the fact that they have been inspected within thirty (30) days of date of shipment, ~~and~~ that they are free from evidence of infectious, contagious, or communicable diseases, or known exposure thereto during the preceding sixty (60) days ~~and that they meet the following requirements:~~ ~~(3-20-97)(8-22-00)T~~

ia. ~~Be~~ The animals must have tested negative for brucellosis if six (6) months of age or older, by at least two (2) types of official brucellosis tests, one (1) of which shall be the rivanol, the PCFIA or the CITE test, within thirty (30) days prior to entry; and ~~(3-20-97)(8-22-00)T~~

ib. If animals originate from an accredited herd in an accredited free state or zone, a modified accredited advanced state or zone, or a modified accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, they may be imported without further tuberculosis testing provided that they are accompanied by a certificate stating that such domestic cervidae originated from an accredited herd; or ~~(3-20-97)(8-22-00)T~~

c. If the animals originate in an accredited free state or zone, as defined by USDA in Title 9, Part 77, CFR, they may be imported without tuberculosis testing provided that they are accompanied by a certificate stating that such domestic cervidae originated from an accredited free state or zone; or ~~(8-22-00)T~~

d. If the animals originate in a modified accredited advanced state or zone, as defined by USDA in Title 9, Part 77, CFR, they may be imported if they are not known to be infected with or exposed to tuberculosis and have been subjected to an official tuberculosis test, with negative results, within ninety (90) days of entry into Idaho, and are accompanied by a certificate stating such, or the domestic cervidae are consigned directly to an approved slaughter establishment for immediate slaughter; or ~~(8-22-00)T~~

e. If the animals originate in a modified accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, they may be imported if they are not known to be infected with or exposed to tuberculosis and have been subjected to two (2) official tuberculosis tests, with negative results and which have been conducted at least ninety (90) days and not more than six (6) months apart, the second test of which was conducted not more than ninety (90) days prior to entry into Idaho, or the domestic cervidae are consigned directly to an approved slaughter establishment for immediate slaughter; or ~~(8-22-00)T~~

f. If the animals originate in an accredited preparatory state or zone, as defined by USDA in Title 9, Part 77, CFR, are not known to be infected with or exposed to tuberculosis, the animals being imported must meet one (1) of the following conditions: ~~(8-22-00)T~~

i. The animals are from an accredited free herd and have been subjected to an official tuberculosis test, with negative results, within ninety (90) days of importation; or ~~(8-22-00)T~~

ii. The animals have been subjected to an official whole herd test conducted within twelve (12) months of the date of importation and have been subjected to two (2) additional official tuberculosis tests, with negative results, which have been conducted at least ninety (90) days and no more than six (6) months apart, the second test of which was conducted within ninety (90) days prior to the date of importation; or ~~(8-22-00)T~~

g. If the animals originate in a non-accredited state or zone, as defined by USDA in Title 9, Part 77, CFR, they may only be imported into Idaho under a permit issued by the administrator and under such conditions that the administrator may impose at the time the permit is issued; or ~~(8-22-00)T~~

hh. If animals originate from a qualified herd, in an accredited free state or zone or a modified accredited advanced state or zone, they may be imported if accompanied by a certificate stating that such domestic cervidae originated from a qualified herd and have been classified negative to an official tuberculosis test that was conducted within ninety (90) days prior to the movement date. If the qualifying test was administered within ninety (90) days of movement, the animals to be moved do not require an additional test. If the qualified herd is located in a modified accredited state or zone, an accredited preparatory state or zone, or a non-accredited state or zone, the animals shall be tested as indicated in Subsections 377.01.e. through 377.01.g., respectively, in this section; or

~~(3-20-97)~~(8-22-00)T

~~iv.~~ If animals originate from a monitored herd in an accredited free state or zone or a modified accredited advanced state or zone, they may be imported if accompanied by a certificate stating that such domestic cervidae originated from a monitored herd and have been classified negative to an official tuberculosis test that was conducted within ninety (90) days prior to the date of movement. ~~or If the monitored herd originates in a modified accredited state or zone, an accredited preparatory state or zone or a nonaccredited state or zone, the animals shall meet the requirements provided in Subsections 377.01.e. through 377.01.g., respectively, in this section.~~

~~(3-20-97)~~(8-22-00)T

~~v.~~ *If animals do not originate from an accredited, qualified or monitored herd, they may be imported if accompanied by a certificate stating that such domestic cervidae have been classified negative to two (2) official tuberculosis tests that were conducted no less than ninety (90) days apart, that the second test was conducted within ninety (90) days prior to the date of movement, and that the animals were isolated from all other members of the herd during the testing period. Test eligible age is six (6) months or older, or less than six (6) months of age if not accompanied by a negative tested dam.*

~~(3-20-97)~~

~~vi.~~ Elk shall be tested negative for red deer genetic factor by a lab approved by the Division of Animal Industries; and (3-20-97)

~~vii.~~ Be from a region not known to be endemic with *Parelaphostrongylus tenuis* (meningeal worm), as reported by the Southeastern Cooperative Wildlife Disease Study; and (3-20-97)

~~viii.~~ Be individually identified, by an official USDA identification tag or microchip, on a Certificate of Veterinary Inspection issued by the veterinarian who conducted the tests, and one (1) of the following notices shall appear on the certificate of veterinary inspection: (8-22-00)T

i. "These cervidae originate from a herd in which they have resided for at least one (1) year or into which they were born and none of the cervidae identified on this certificate are from a CWD exposed, suspect, affected, source, positive, pending, trace or adjacent herd. There has been no diagnosis, signs, or epidemiological evidence of CWD in this herd. The herd of origin has been in a CWD monitoring program for the past year on January 1, 2002, for the past two (2) years on January 1, 2003, and for the past three (3) years from January 1, 2004, as certified by the State animal health official Records and causes of death for the past five (5) years in this herd shall be made available to the State animal health official"; or (8-22-00)T

ii. "These cervidae originate from a herd which has been determined to have certified CWD cervid herd status by the animal health official of the state of origin. Records and causes of death for the past five (5) years in this herd shall be made available to the State animal health official." ~~(3-20-97)~~(8-22-00)T

~~ix.~~ Be destined for a domestic cervidae farm currently licensed by the division; and (3-20-97)

~~x.~~ Enter on an import permit issued by the Idaho Division of Animal Industries. (3-20-97)

~~h02.~~ **Movement Of Cervidae Between Accredited AAZPA Facilities.** Movement of cervidae between accredited American Association of Zoological Parks and Aquariums (AAZPA) facilities is exempt from the tuberculosis testing requirements of this rule. All other movement from AAZPA-accredited facilities shall comply with the tuberculosis requirements. ~~(3-20-97)~~(8-22-00)T

~~4378.~~ INTRASTATE MOVEMENT OF DOMESTIC CERVIDAE.

01. Movement of Domestic Cervidae From One Premise To Another. All live domestic cervidae six (6) months of age or older moving from one (1) premise to another premise within the state of Idaho, except those consigned directly to an approved slaughter facility, shall be accompanied by an official negative test for tuberculosis conducted within the last ninety (90) days or written permission from the administrator. Animals originating from an accredited, qualified or monitored herds, as described in *Tuberculosis Eradication in Cervidae, Uniform Methods and Rules, effective May 15, 1994* "Bovine Tuberculosis Eradication, Uniform Methods and Rules", effective January 22, 1999, as amended, shall be exempted from test requirements, if they are accompanied by a certificate signed by an

accredited veterinarian or the administrator stating such domestic cervidae have originated directly from such herd;
and ~~(3-20-97)~~(8-22-00)T

02. Intrastate Movement Of Domestic Cervidae. All intrastate movements of cervidae in the MCCWDMP and the VCCWDCP other than to a state or federally inspected slaughter establishment shall be accompanied by an intrastate movement certificate which shall be provided by the Division of Animal Industry, and which is signed by the consignor and consignee of the cervidae. (8-22-00)T

03. Intrastate Movement Certificate. The intrastate movement certificate shall include the following: (8-22-00)T

a. Consignor's name, address, phone number; (8-22-00)T

b. Consignee's name, address, phone number; (8-22-00)T

c. Individual animal identification and premise identification numbers; (8-22-00)T

d. Age, sex and species of the animal(s); and (8-22-00)T

e. One (1) of the following notices shall appear on the certificate of veterinary inspection: (8-22-00)T

i. "These cervidae originate from a herd in which they have resided for at least one (1) year or into which they were born and none of the cervidae identified on this certificate are from a CWD exposed, suspect, affected, source, positive, pending, trace or adjacent herd. There has been no diagnosis, signs, or epidemiological evidence of CWD in this herd. The herd of origin has been in a CWD monitoring program for the past year on January 1, 2002, for the past two (2) years on January 1, 2003, and for the past three (3) years from January 1, 2004, as certified by the State animal health official. Records and causes of death for the past five (5) years in this herd shall be made available to the State animal health official"; or (8-22-00)T

ii. "These cervidae originate from a herd which has been determined to have certified CWD cervid herd status by the State animal health official. Records and causes of death for the past five (5) years in this herd shall be made available to the State animal health official." (8-22-00)T

f. The intrastate movement certificate shall be mailed to the Division of Animal Industry within five (5) business days of date of shipment. (8-22-00)T

379. -- 383. (RESERVED).

384. SUPERVISION OF THE CERVIDAE CWD PROGRAMS.

The Administrator shall provide routine supervision of the Cervidae CWD programs. The Administrator shall meet at least annually with the State Chronic Wasting Disease Oversight Committee regarding management of the Cervidae CWD programs. (8-22-00)T

385. SURVEILLANCE PROCEDURES FOR THE MCCWDMP AND VCCWDCP.

01. MCCWDMP Surveillance Procedures. MCCWDMP Surveillance procedures shall include the following: (8-22-00)T

a. Cervid Slaughter Surveillance. Brain or other tissues from twenty-five percent (25%) of all cervidae slaughtered on a hunting ranch or slaughter establishment, or killed during hunts shall be submitted to official laboratories and tested or examined for CWD, as provided for in these rules. (8-22-00)T

b. Cervid Herd Surveillance. Surveillance for CWD as defined by examination of brain tissue or other tissues as directed by the Administrator, on all deaths of cervids eighteen (18) months of age or older must be maintained for all cervid herds. Reindeer and fallow deer are exempt from this program unless part of a CWD affected herd. (8-22-00)T

02. VCCWDCP Surveillance Procedures. VCCWDCP Surveillance procedures shall include the following: (8-22-00)T

a. Surveillance for CWD as defined by examination of brain tissue or other tissues as directed by the Administrator, on all deaths of cervids eighteen (18) months of age or greater must be maintained for all cervid herds. (8-22-00)T

b. Surveillance shall continue until certification is granted by the Administrator, at which time the Administrator may allow for the cessation of surveillance testing in CWD certified herds. (8-22-00)T

386. OFFICIAL CERVID CWD TESTS.

Official cervid tests for CWD include: (8-22-00)T

01. Histopathology: (8-22-00)T

02. Immunohistochemistry: (8-22-00)T

03. Western Blot: (8-22-00)T

04. Negative Stain Electron Microscopy: (8-22-00)T

05. Bioassay; and (8-22-00)T

06. Any Other Scientifically Validated Test. Any other scientifically validated laboratory or diagnostic test approved by the Administrator to confirm a diagnosis of CWD. (8-22-00)T

387. INVESTIGATION OF CERVID CWD AFFECTED ANIMALS.

01. Traceback. Traceback shall be performed for all animals diagnosed as affected with CWD as provided in Subsection 365.45. An epidemiological investigation shall be conducted on all herds of origin and all adjacent herds as determined by the administrator. All herds of origin, adjacent herds, and herds having contact with affected or exposed animals shall be quarantined. (8-22-00)T

02. Quarantine Of Affected Herds Not Participating In The CWD Certification Program. Nonparticipating herds, CWD affected herds, source and trace herds, suspect herds, or herds that have received high risk animals shall be placed and held under quarantine until the affected or infected or high risk animals have been slaughtered or depopulated in accordance with Section 25-212, Idaho Code, or the owner has developed an individual herd plan and the herd has qualified for and has been enrolled in the MCCWDMD or the VCCWDCP. Affected herds not participating in the certification program shall remain under quarantine until the entire herd has been depopulated in accordance with Section 25-212, Idaho Code. (8-22-00)T

388. DURATION OF QUARANTINE.

Quarantines imposed in accordance with this chapter shall remain in effect until one (1) of the following criteria is met:

(8-22-00)T

01. Herds Of Origin. The quarantine may be released after a minimum of five years of compliance with all provisions of these rules, during which there was no evidence of CWD. (8-22-00)T

02. Herds Having Contact With Affected Or Exposed Animals. The quarantine may be released after a minimum of five (5) years of compliance with all provisions of these rules and during which there was no evidence of CWD. (8-22-00)T

03. Adjacent Herds. As directed by the Administrator in consultation with the epidemiologist. (8-22-00)T

04. Quarantine May Be Released After Complete Depopulation. The quarantine may be released after: (8-22-00)T

a. Complete depopulation of all cervidae on the premises in accordance with Section 25-212, Idaho Code; and (8-22-00)T

b. The premises has been free of all ungulates for at least one (1) year; and (8-22-00)T

c. The soil and facilities have been treated or disinfected as recommended by the administrator; and (8-22-00)T

d. The premises is repopulated in complete compliance with the MCCWDMP. (8-22-00)T

05. Nonparticipating Herds. Nonparticipating herds will be placed and held under quarantine until the herd has qualified for and has been enrolled in either the MCCWDMP or VCCWDMP for five years. (8-22-00)T

389. DECLARATION OF EMERGENCY AND DEPOPULATION OF AFFECTED HERDS.

01. Declaration Of An Emergency. The Director is authorized to declare CWD a disease which constitutes an emergency. (8-22-00)T

02. Condemnation Of Animals. In the event that the Director determines that an emergency exists, animals that are found to be infected, or affected with, or exposed to CWD may be condemned. Animals condemned shall be handled as provided by Section 25-212, Idaho Code. (8-22-00)T

03. Notification Of Administrator. Every owner of cervidae and every breeder or dealer in cervidae and anyone bringing cervidae into this state who observes the appearance of, or symptoms of any disease or diseases, or who has knowledge of exposure of the cervidae to diseases as herein set forth among the cervidae, livestock or other animals owned by him or under his care, shall give immediate notice, by telephone or facsimile to the Administrator, of the facts discovered by him of the aforesaid. Any owner of cervidae who fails to make report as herein provided shall forfeit all claims for indemnity for animals condemned and slaughtered or destroyed on account of CWD. (8-22-00)T

390. HERD PLAN.

The owner (of any CWD exposed, CWD suspect, CWD affected, CWD source, CWD trace or CWD adjacent herd that is not depopulated as described in Subsection 388.04, a designated epidemiologist, the owner's accredited veterinarian, if requested, APHIS Representative and state animal health official shall develop a plan for monitoring and eradication of CWD in each affected, exposed, suspect, source, trace or adjacent herd. The plan must be designed to reduce and eliminate CWD from the herd, to prevent spread of the disease to other herds, and to prevent reintroduction of CWD after the herd becomes a certified CWD cervid herd. The herd plan shall be developed and signed within sixty (60) days after completion of the epidemiological evaluation of the herd. The herd plan shall address herd management and adherence to all provisions of this chapter. The plan shall be formalized as a memorandum of agreement between the owner and program officials, shall be approved by the administrator, and shall include plans to obtain certified CWD cervid herd status. (8-22-00)T

391. IDENTIFICATION AND DISPOSAL REQUIREMENTS.

Affected and exposed animals shall be identified and remain on the premises where they are found until they are identified and disposed of at the direction of the administrator in accordance with Section 25-212, Idaho Code. (8-22-00)T

392. CLEANING AND DISINFECTION.

Premises shall be cleaned and disinfected under state or federal supervision as directed by the administrator within fifteen (15) days after affected animals have been removed. (8-22-00)T

393. -- 398. (RESERVED).

399. METHODS FOR OBTAINING CERTIFIED CWD CERVID HERD STATUS.

Certified CWD cervid herd status shall include all cervidae under common ownership. A herd, or herds, shall not be

commingled with other cervids that are not certified or are of lesser CWD program status. To qualify a certified CWD cervid herd for status, as a certified CWD cervid herd, the owner shall apply to the administrator, comply with all requirements of the VCCWDCP, and document that the herd has no evidence of CWD. The administrator shall determine the herd certification status. (8-22-00)T

01. Purchasing A Certified CWD Cervid Herd. Upon request, and with proof of purchase, the Administrator may issue a new VCCWDCP certificate in the new owner's name. The VCCWDCP status date shall remain the same, and if part or all of the purchased herd is moved directly to premises that have no other cervidae or history of CWD, the herd may retain certified CWD status. The VCCWDCP status date of the new herd is the date of the most recent herd VCCWDCP certification status certificate. (8-22-00)T

02. Complete Requirements For Certification. Upon request and with proof by records, a herd may achieve a certified CWD cervid herd status by the herd owner complying with the VCCWDCP as defined in these rules and documenting the herd does not exhibit evidence of CWD for a period of at least five (5) years. (8-22-00)T

400. RE-CERTIFICATION OF CWD CERVID HERDS. Herd certification is valid for twelve (12) months so long as the certification requirements are met. For continuous certification, adherence to the provisions in these rules and all other state laws and rules pertaining to cervids is required. A herd's certification status is immediately terminated and a herd investigation shall be initiated if CWD affected or exposed animals are determined to be in or from the herd. (8-22-00)T

401. MOVEMENT INTO A CERTIFIED CWD CERVID HERD.

01. Animals Originating From Certified CWD Cervid Herds. Animals originating from certified CWD cervid herds may move into another certified CWD cervid herd without affecting the status of the destination herd. (8-22-00)T

02. Animals Originating From Non-Certified CWD Cervid Herds. Animals originating from non-certified CWD cervid herds and moved into certified CWD cervid herds will reduce the status of the destination herd to that of the herd of origin. (8-22-00)T

402. MOVEMENT INTO A MONITORED CWD CERVID HERD.

01. Animals Originating From A Monitored CWD Cervid Herd. Animals originating from a monitored CWD cervid herd may move into another monitored CWD cervid herd of the same status with no change in status for the destination herd. (8-22-00)T

02. Certified CWD Cervid Herd Moving Into A Monitored Cervid Herd. Animals originating from a certified CWD cervid herd moving into a monitored cervid herd or other herd assume the status of the destination herd. (8-22-00)T

403. RECOGNITION OF MONITORED CWD CERVID HERDS.

The administrator shall issue a monitored CWD cervid herd certificate indicating the number of years of CWD monitoring. (8-22-00)T

404. RECOGNITION OF CERTIFIED CWD CERVID HERDS.

The administrator shall issue a certified CWD cervid herd certificate when the herd first qualifies and the owner has made application for certification. For re-certification, the administrator shall issue a renewal certificate annually so long as the herd continues to meet all the certification requirements. (8-22-00)T

~~5405.~~ PENALTY FOR VIOLATIONS.

Any person, firm, or corporation violating any of the provisions of chapters 2, 3, 4, 6 or [37] 35, title 25, Idaho Code, applicable to domestic cervidae, or the rules promulgated by the Division of Animal Industries for the enforcement thereof shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each offense, as authorized by Section(s) [25-3706] 25-3506, Idaho Code. ~~(3-20-97)~~(8-22-00)T

~~36406.~~ -- 999. (RESERVED).

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.04.03 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING ANIMAL INDUSTRY
DOCKET NO. 02-0403-0002
NOTICE OF NEGOTIATED RULE MAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation in an informal, negotiated rulemaking process prior to the initiation of formal rulemaking procedures by the agency. This action is authorized by Title 25, Chapter 2, Section 25-237, Idaho Code.

MEETING SCHEDULE: Persons interested in participating in the negotiated rulemaking process are encouraged to attend the following meeting:

November 7, 2000, 9:00 a.m. to 5:00 p.m.
Department of Agriculture, Lower Conference Rooms 1 & 2
2270 Old Penitentiary Road, Boise, Idaho 83712

The meeting site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the meeting. For arrangements, contact the undersigned at (208) 332-8560.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to amend and update Section 050 entitled "Dead Animals, Movement, Disposal". The rule will be developed by Idaho Department of Agriculture, Division of Animal Industries in conjunction with an advisory committee made up of persons having interests in the movement and disposal of dead animals.

The goal of the negotiated rulemaking process will be to develop by consensus the text of a recommended rule. If a consensus is reached, a draft of the rule, incorporating the consensus and any other appropriate information, recommendations, or materials, will be transmitted to the Division of Animal Industries for consideration and use in the formal rulemaking process. If a consensus is unable to be achieved on particular issues, the negotiated rulemaking process may result in a report specifying those areas on which consensus was and was not reached, together with arguments for and against positions advocated by various participants. At the conclusion of the rulemaking process, the Division of Animal Industries intends to implement a temporary rule and commence formal rulemaking with the publication of a proposed rule in the spring of 2001, using and taking into consideration the results of the negotiated rulemaking process. The final rule is expected to be in place and effective upon the conclusion of the 2002 session of the Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact Kendal Eyre at (208) 332-8560 or keyre@agri.state.id.us.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposal to initiate negotiated rulemaking. All written comments must be received by the undersigned on or before November 21, 2000.

DATED this 16th day of August, 2000.

Mike Everett
Deputy Director
Idaho Department of Agriculture
P.O. Box 790
Boise, Idaho 83701
Phone No. (208) 332-8500
Fax No. (208) 334-4062

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.04.15 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING
BEEF CATTLE ANIMAL FEEDING OPERATIONS

DOCKET NO. 02-0415-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 18, 2000.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 22-101 and 22-4903, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 10, 2000, 7 p.m.
City Council Chamber
911 N 7th
Pocatello, ID 83201

October 11, 2000, 7 p.m.
Nampa Civic Auditorium
11 3rd Street South
Nampa, ID 83651

October 12, 2000, 7 p.m.
Lewis-Clark College
500 8th Ave
Lewiston, ID 83501

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:

This temporary and proposed rule provides authority to regulate the design, construction and management practices for wastewater storage and containment facilities, and nutrient management practices on beef cattle animal feeding operations; requires new beef cattle animal feeding operations to have an approved nutrient management plan before beginning operations; requires existing beef cattle animal feeding operations to submit a nutrient management plan to the Director of the Idaho State Department of Agriculture no later than January 1, 2005; provides authority to conduct inspections of beef cattle animal feeding operations; and provides penalties for violations of these rules. This rule adopts by reference The 2000 Code of Federal Regulations (CFR) Title 40 Part 122 Section 122.23 and Part 122 Appendix B, the 1997 United States Department of Agriculture Natural Resources Conservation Service, Agricultural Waste Management Field Handbook, Appendix 10 D, and the 2000 American Society of Agricultural Engineers Standard EP393.3.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule is necessary to protect the public health, safety or welfare; comply with deadlines in amendments to governing law or federal programs; confers a benefit.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811 negotiated rulemaking was not conducted because this rule is necessary to implement provisions of SB1398 the Beef Cattle Environmental Control Act, which became effective on July 1, 2000, as quickly as possible.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact John Chatburn, Idaho Department of Agriculture, at (208) 332-8540.

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 25, 2000.

DATED this 16th day of August 2000.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500 / (208) 334-4623 FAX

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0415-0001

IDAPA 02
TITLE 04
Chapter 15

**02.04.15 – RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING
BEEF CATTLE ANIMAL FEEDING OPERATIONS**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 1 and 49, Idaho Code. (9-18-00)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules of the Department of Agriculture Governing Beef Cattle Animal Feeding Operations”. (9-18-00)T

02. Scope. These rules shall govern the design, function, and management practices of waste systems on beef cattle animal feeding operations. The official citation of this chapter is IDAPA 02.04.15.000 et seq. For example this section’s citation is IDAPA 02.04.15.001. (9-18-00)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (9-18-00)T

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. There is no provision for administrative appeal before the Department of Agriculture under these rules. (9-18-00)T

004. INCORPORATION BY REFERENCE.

Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.04.15 incorporates by reference: (9-18-00)T

01. The 2000 Code of Federal Regulations (CFR) Title 40 Part 122 Section 122.23 and Part 122 Appendix B. (9-18-00)T

02. The 1997 United States Department of Agriculture Natural Resources Conservation Service Agricultural Waste Management Field Handbook, Appendix 10 D. (9-18-00)T

03. The 2000 American Society of Agricultural Engineers Standard EP393.3. (9-18-00)T

005. IDAHO PUBLIC RECORDS ACT.

These rules are public records and are available for inspection and copying at the department. (9-18-00)T

006. ADDRESS, OFFICE HOURS, TELEPHONE AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (9-18-00)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (9-18-00)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701. (9-18-00)T

04. Telephone Number. The telephone number of the central office is (208) 332-8540. (9-18-00)T

05. Fax Number. The fax number of the central office is (208) 334-4062. (9-18-00)T

007. DEFINITIONS.
The following definitions shall apply in the interpretation and enforcement of this chapter. (9-18-00)T

01. Animal. Bovidae, ovidae, suidae, equidae, captive cervidae, captive antilocapridae, camelidae, and ratitidae. (9-18-00)T

02. Animal Feeding Operation. A lot or facility where slaughter or feeder cattle are confined and fed for a total of forty five (45) days during any twelve (12) month period and crops, vegetation forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility. (9-18-00)T

03. Beef Cattle Animal Feeding Operation. An animal feeding operation, as defined in 40 CFR Section 122.23 and 40 CFR part 122, appendix B, which confines slaughter or feeder cattle. (9-18-00)T

04. Best Management Practices. Practices as defined in Title 22, Chapter 49, Idaho Code or other practices, techniques, or measures that are determined to be a cost-effective and practicable means of preventing or reducing pollutants from point or non-point sources to a level compatible with state environmental goals. (9-18-00)T

05. Compost. A group of organic residues or a mixture of organic residues and soil that have been piled, moistened, and allowed to undergo aerobic biological decomposition. (9-18-00)T

06. Director. The Director of the Idaho State Department of Agriculture. (9-18-00)T

07. Discharge. Release of process wastewater, runoff, or manure from a beef cattle animal feeding operation to waters of the state. (9-18-00)T

08. Land Application. The spreading on, or incorporation of manure or process wastewater into the soil. (9-18-00)T

09. Manure. Animal excrement or compost generated on a beef cattle animal feeding operation that may also contain bedding, spilled feed, water, or soil. (9-18-00)T

10. Modified. Structural changes and alterations to the wastewater storage containment facility, which would require increased storage or containment capacity or such changes, which would alter the function of the wastewater storage or containment facility. (9-18-00)T

11. Non-Compliance. A practice or condition that causes an unauthorized discharge or a practice or condition that if left uncorrected will cause an unauthorized discharge. (9-18-00)T

12. Nutrient Management Plan. A plan prepared in conformance with the nutrient management standard or other equally protective standard for managing the amount, source, placement, form, and timing of the land application of nutrients or soil amendments. (9-18-00)T

13. Nutrient Management Standard. The 1999 publication by the United States Department of Agriculture Natural Resources Conservation Service, Conservation Practice Standard, Nutrient Management Code

590, or other equally protective standard approved by the Director. (9-18-00)T

14. Operate. Confining and feeding slaughter or feeder cattle in the state of Idaho. (9-18-00)T

15. Operator. The owner or person responsible for the management of a beef cattle animal feeding operation. (9-18-00)T

16. Owner. Includes but is not limited to any corporation, partnership or individual where the same person has power or authority to manage, direct, restrict, regulate or has financial control of a beef cattle animal feeding operation. (9-18-00)T

17. Person. Any individual association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state, or federal governmental department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties. (9-18-00)T

18. Process Wastewater. Any water generated from the operation of a beef cattle animal feeding operation that comes into contact with manure, bedding or feed. (9-18-00)T

19. Runoff. Any precipitation that comes into contact with manure, bedding or feed on a beef cattle animal feeding operation. (9-18-00)T

20. Slaughter Or Feeder Cattle. All cattle except those cattle located on a dairy farm permitted by the Idaho State Department of Agriculture pursuant to IDAPA 02.04.14 "Rules of the Department of Agriculture Governing Dairy Waste." (9-18-00)T

21. Unauthorized Discharge. A release of process wastewater, runoff, or manure from a beef cattle animal feeding operation to state surface waters that is not authorized by a National Pollutant Discharge Elimination System permit issued by the United States Environmental Protection Agency, or the release of process wastewater, runoff or manure from a beef cattle animal feeding operation, to waters of the state, that exceeds Idaho's state water quality standards. (9-18-00)T

22. Wastewater Storage And Containment Facility. That portion of a beef cattle animal feeding operation, excluding the confinement area, where manure, runoff, or process wastewater is stored or collected. (9-18-00)T

23. Waters Of The State. All surface and ground water located within the boundaries of the state or boundary streams, rivers and lakes except for private waters as defined in Title 42, Chapter 2, Idaho Code. (9-18-00)T

008. -- 009. (RESERVED).

010. UNAUTHORIZED DISCHARGES.

Unauthorized discharges of manure, runoff, or process wastewater from beef cattle animal feeding operations or land application sites owned or controlled by a beef cattle animal feeding operation are prohibited. (9-18-00)T

011. NOTIFICATION OF DISCHARGE.

01. Notification Within Twenty-Four Hours of Discharge. Within twenty-four (24) hours of learning of a discharge, the operator of a beef cattle animal feeding operation shall notify the Director. (9-18-00)T

02. Notification To The Director. Notification to the director shall include: (9-18-00)T

a. A description of the discharge, a description of the flow path to the receiving water body; (9-18-00)T

b. An estimation of the flow rate and volume discharged; (9-18-00)T

c. The period of discharge, including dates and times, and if not already corrected, the anticipated

time the discharge is expected to continue; and (9-18-00)T
d. Steps taken to reduce, eliminate and prevent recurrence of the discharge. (9-18-00)T

012. -- 019. (RESERVED).

020. WASTEWATER STORAGE AND CONTAINMENT FACILITIES.

01. Wastewater Storage And Containment Facilities. All beef cattle animal feeding operations shall have wastewater storage and containment facilities designed, constructed, operated, and maintained sufficient to contain: (9-18-00)T

- a. All process wastewater generated on the facility during the non-land application season; and (9-18-00)T
- b. The runoff from a twenty-five (25) year, twenty-four (24) hour rainfall event; and (9-18-00)T
- c. Either three (3) inches of runoff from the accumulation of winter precipitation or the amount of runoff from the accumulation of precipitation from a one-in-five (1 in 5) year winter. (9-18-00)T

02. All Substances Entering Wastewater Storage And Containment Facilities. All substances entering wastewater storage and containment facilities shall be composed of manure, runoff, and process wastewater from the operation of the beef cattle animal feeding operation. The disposal of any other materials into a wastewater storage and containment facility, including, but not limited to, human waste, is prohibited. (9-18-00)T

021. NEW OR MODIFIED BEEF CATTLE ANIMAL FEEDING OPERATIONS.

Each new or modified beef cattle animal feeding operation shall design and construct wastewater storage and containment facilities completed after July 1, 2000, in accordance with the engineering standards and specifications contained in the Natural Resources Conservation Service Agricultural Waste Management Field Handbook, Appendix 10D or the American Society of Agricultural Engineers Standard EP393.3, or other equally protective standards approved by the Director. (9-18-00)T

022. -- 029. (RESERVED).

030. NUTRIENT MANAGEMENT.

Each beef cattle animal feeding operation shall submit a nutrient management plan, which conforms to the nutrient management standard, to the Director for approval. Failure to implement an approved nutrient management plan as written is a violation of these rules. (9-18-00)T

01. Existing Beef Cattle Animal Feeding Operations. Beef cattle animal feeding operations that are operating on or before July 1, 2000 shall submit a nutrient management plan to the Director for approval no later than January 1, 2005. (9-18-00)T

02. New Beef Cattle Animal Feeding Operations. Any new beef cattle animal feeding operation commencing operations after July 1, 2000 shall not operate prior to the Director's approval of a nutrient management plan. (9-18-00)T

031. -- 039. (RESERVED).

040. DESIGNATION OF BEEF CATTLE ANIMAL FEEDING OPERATIONS.

The Director, on a case by case basis, may designate any animal feeding operation that confines slaughter or feeder cattle as a beef cattle animal feeding operation if, after an inspection, the Director determines that the animal feeding operation is a significant contributor of pollution to waters of the state. The designation shall be provided to the operator of the animal feeding operation in writing. When designated, these operations shall be considered existing beef cattle animal feeding operations. The Director shall consider the following factors when making such

designation: (9-18-00)T

01. Size. Size of the animal feeding operation and the amount of manure, process wastewater, and runoff reaching waters of the state. (9-18-00)T

02. Location. Location of the animal feeding operation relative to waters of the state. (9-18-00)T

03. Conveyance. Means of conveyance of manure, process wastewater, and runoff into waters of the state. (9-18-00)T

04. Frequency Of Discharge. Slope, vegetation, precipitation, and other factors affecting the likelihood or frequency of discharge of manure, process wastewater, or runoff into waters of the state. (9-18-00)T

041. -- 049. (RESERVED).

050. AUTHORITY TO INSPECT.

The Director or his designee is authorized to inspect any animal feeding operation that confines slaughter or feeder cattle in accordance with Title 22, Chapter 49, Idaho Code, to ensure compliance with these rules. The Director shall comply with the operation's biosecurity protocol so long as the protocol does not inhibit reasonable access to:

(9-18-00)T

01. Entry. Enter at reasonable times upon the premises of an operation or where records are kept. (9-18-00)T

02. Access To Records. Have access to and copy any records that must be kept in accordance with these rules. (9-18-00)T

03. Inspections. Inspect any facility or land application site. (9-18-00)T

04. Sample Or Monitor. Sample substances or monitor parameters directly related to these rules. (9-18-00)T

051. INSPECTIONS.

Each beef cattle animal feeding operation shall be inspected annually or at intervals sufficient to determine that the facility is being operated and managed to prevent an unauthorized discharge. Inspections may include evaluating effectiveness of best management practices, collecting samples, taking photographs, video taping facilities or collecting other information as necessary. An official inspection report form shall be completed at the time of the inspection and a copy provided to the operator. (9-18-00)T

052. -- 079. (RESERVED).

080. COMPLIANCE ORDERS.

When the Director identifies items of non-compliance or unauthorized discharges the deficiencies will be noted and discussed with the operator. Unauthorized discharges shall be corrected immediately, or as soon as possible. Appropriate corrective actions will be identified and scheduled informally. Formal compliance orders may be developed, as the Director deems necessary. (9-18-00)T

081. -- 089. (RESERVED).

090. PENALTIES.

Failure to comply with any provision of these rules or any formal compliance order of the Director shall be a violation of these rules and may be subject to a civil enforcement action in district court and a civil penalty not to exceed ten thousand dollars (\$10,000) per violation or one thousand dollars (\$1,000) for each day of a continuing violation as provided in Title 22, Chapter 49, Idaho Code. Civil penalties collected shall be deposited in the state treasury and credited to the State School Building Fund. (9-18-00)T

091. -- 999. (RESERVED).

IDAPA 02 - IDAHO STATE DEPARTMENT OF AGRICULTURE
02.06.12 - QUARANTINE ORDER NO. 8-1962 PERTAINING TO EUROPEAN PINE SHOOT MOTH
DOCKET NO. 02-0612-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is August 22, 2000.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Title 22, Chapter 19, 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 18, 2000.

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 repeal this chapter in its entirety.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

It confers a benefit because the order is no longer needed.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Idaho Nursery Association approved a motion to repeal IDAPA 02.06.12 - Quarantine Order No. 8-1962 Pertaining to European Pine Shoot Moth.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Roger Vega, Administrator, Division of Plant Industries, at 332-8620 or Michael E. Cooper, Bureau Chief, Division of Plant Industries, at 332-8620.

Anyone may submit written comments regarding this temporary and proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2000.

DATED this 18th day of August, 2000.

Mike Everett, Deputy Director
Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
Phone: 332-8500 / FAX: 334-4623

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.06.12 - IDAHO STATE DEPARTMENT OF AGRICULTURE RULES
PERTAINING TO THE IDAHO FERTILIZER LAW

DOCKET NO. 02-0612-0002

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 21, 2000.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) Title 22, Chapter 6, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2000.

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 authority for this rule has been transferred to the Division of Plant Industries and the rule is being rewritten and revised to reflect this. The revised rule prescribes definitions not covered by the law; includes manuals that need to be incorporated by reference; requires registration and lists guarantees covering nutrients other than nitrogen, phosphate, and potash; describes required warning statements; prescribes proper labeling; labeling of slow release nutrients; use of investigational allowances; sampling; and guarantees concerning organic nitrogen.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The temporary rule confers a benefit. The authority for this rule has been transferred to the Division of Plant Industries and the rule is being rewritten and revised.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact: Dr. Roger Vega, Administrator, Division of Plant Industries, at 332-8620 or Michael E. Cooper, Bureau Chief, Division of Plant Industries, at 332-8620.

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 25, 2000.

DATED this 21st day of August, 2000.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8531
Fax: (208) 334-2879

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0612-0002

IDAPA 02
TITLE 06
Chapter 12

**02.06.12 - IDAHO STATE DEPARTMENT OF AGRICULTURE RULES
PERTAINING TO THE IDAHO FERTILIZER LAW**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-604, Idaho Code. (8-21-00)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.12, "Idaho State Department of Agriculture Rules Pertaining to the Idaho Fertilizer Law." (8-21-00)T

02. Scope. These rules specify general label requirements and label requirements for major and minor element guarantees for fertilizers, minimum percentages allowed for registration, the necessity for warning or caution statements, and set forth investigational allowances from which a product guarantee may deviate without being in violation of the law. (8-21-00)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (8-21-00)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (8-21-00)T

004. INCORPORATED BY REFERENCE.

Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.12 incorporates by reference: (8-21-00)T

01. The Idaho Fertilizer Act Of 2000, Title 22, Chapter 6, Idaho Code, Sections 22-601 Through 22-624; (8-21-00)T

02. Terms and Definitions of the Association Of American Plant Food Control Officials (AAPFCO) "2000 Official Publication". As published in the "2000 Official Publication" of the Association of American Plant Food Control Officials (AAPFCO); or (8-21-00)T

03. The "1996 Merck Index, 12th Edition," as published by Merck Research Laboratories Division of Merck & Co., Incorporated. (8-21-00)T

005. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the department. (8-21-00)T

006. ADDRESS, OFFICE HOURS, TELEPHONE AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (9-18-00)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except

holidays designated by the state of Idaho. (9-18-00)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701. (9-18-00)T

04. Telephone Number. The telephone number of the central office is (208) 332-8620. (9-18-00)T

05. Fax Number. The fax number of the central office is (208) 334-2283. (9-18-00)T

007. DEFINITIONS.

01. Deficient. Where the amount of nutrient found by analysis is less than that guaranteed, which may result from a lack of nutrient ingredients or from lack of uniformity. (8-21-00)T

02. Department. The Idaho state department of agriculture or its authorized representative. (8-21-00)T

03. Fertilizer. Any substance defined by Section 22-603, Idaho Code, as a fertilizer. (8-21-00)T

04. Guarantee. An affirmation or promise made by the seller to the buyer which relates to the goods and becomes part of the basis of the bargain and creates an express warranty that the fertilizer shall conform to the affirmation or promise. (8-21-00)T

05. Guaranteed Analysis. The minimum percentage of plant nutrients claimed, as required by Section 22-603, Idaho Code. (8-21-00)T

06. Overall Index Value. A value used to determine whether an entire product is deficient. (8-21-00)T

07. Micronutrient. A micronutrient, for the purposes of this chapter, means: (8-21-00)T

a. Boron (B); (8-21-00)T

b. Chlorine (Cl); (8-21-00)T

c. Cobalt (Co); (8-21-00)T

d. Copper (Cu); (8-21-00)T

e. Iron (Fe); (8-21-00)T

f. Manganese (Mn); (8-21-00)T

g. Molybdenum (Mo); (8-21-00)T

h. Sodium (Na); and (8-21-00)T

i. Zinc (Zn). (8-21-00)T

08. Percent Or Percentage. The amount of individual plant nutrients in relation to the total product by weight. (8-21-00)T

09. Registrant. The person who registers fertilizer pursuant to Sections 22-601 through 22-624, Idaho Code. (8-21-00)T

10. Register. To register a fertilizer pursuant to the provisions of Section 22-605, Idaho Code. (8-21-00)T

11. Specialty Fertilizer. A fertilizer distributed for non-farm use. (8-21-00)T

12. Ultimate Dealer. The person who distributes fertilizer product to the end-user. (8-12-00)T

008. SAMPLING AND ANALYSIS.

The methods of sampling and analysis shall be those of the Association of Official Analytical Chemists (AOAC) or other methods as approved by the department. (8-21-00)T

009. FINDINGS.

These rules are promulgated pursuant to Title 22, Chapter 6, Idaho Code. The adoption of these rules will update and replace outdated fertilizer labeling guarantees and general label requirements, which have not been revised since 1968. In addition, investigational allowances used to determine whether or not a fertilizer product meets its labeled guarantees after laboratory analysis, are expanded and updated to better accommodate advances in product formulation and laboratory analysis techniques. (8-21-00)T

010. FERTILIZER REGISTRATION.

Each brand and separately identifiable fertilizer product under each brand shall be registered pursuant to Section 22-605, Idaho Code. (8-21-00)T

011. RULES REGARDING THE REGISTRATION OF FERTILIZERS CONTAINING PLANT NUTRIENTS IN ADDITION TO NITROGEN, PHOSPHATE, AND POTASH.

01. Other Plant Nutrients. A fertilizer may contain plant nutrients in addition to nitrogen, phosphate and potash. When these other nutrients are mentioned on the label in any form or manner, the fertilizer shall be registered. In addition, each nutrient amount shall be guaranteed. The guarantee shall be reported, on the label, on an elemental basis. Sources of the nutrients subjected to the guaranteed analysis, and proof of availability shall be provided to the department upon request. Any additional nutrients, contained in a fertilizer submitted for registration, must be present in the following minimum concentrations:

Element	Percent
Calcium (Ca)	1.0000
Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

(8-21-00)T

02. Labeling. The label shall constitute a guarantee regarding the nutrient content of the fertilizer. No nutrients, other than those listed in Subsection 011.01, will be accepted by the department as guaranteed. Proposed labels and directions for the use of the fertilizer shall be furnished with the application for registration upon request. Any of the above listed elements which are guaranteed shall appear in the order listed immediately following

guarantees for the primary nutrients of nitrogen, phosphate and potash. (8-21-00)T

03. Exemptions. Guarantees for water soluble nutrients labeled for ready-to-use foliar fertilizers, ready-to-use specialty liquid fertilizers, hydroponic or continuous liquid feed programs, and potting soils, are exempted from the minimum element percentages listed in Subsection 011.01. (8-21-00)T

012. -- 019. (RESERVED).

020. WARNING OR CAUTION STATEMENTS.

A warning or cautionary statement is required on any fertilizer product: (8-21-00)T

01. Containing Boron. If the fertilizer product contains one tenth of a percent (.10%) or more boron in a water soluble form, the statement shall include: (8-21-00)T

- a. The word "Warning" or "Caution" conspicuously displayed; (8-21-00)T
- b. The crops for which the fertilizer is recommended; and (8-21-00)T
- c. That the use of the fertilizer on any crop(s) other than those recommended may result in serious injury to the crop(s). (8-21-00)T

02. Containing Molybdenum. If the fertilizer product contains one thousandths of a percent (.001%) or more molybdenum, the statement shall include: (8-21-00)T

- a. The word "Warning" or "Caution" conspicuously displayed; and (8-21-00)T
- b. That the application of fertilizers containing molybdenum may result in forage crops containing levels of molybdenum which are toxic to ruminant animals. (8-21-00)T

03. Other Fertilizer Products. The department may require a registrant to include a warning or caution statement for any other fertilizer product that contains a micro-nutrient in water soluble form for which there is evidence that application of the micro-nutrient may be harmful to certain crops or where there are unusual environmental conditions. (8-21-00)T

04. Examples. The following are examples of warning or caution statements: (8-21-00)T

- a. Directions: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop). (8-21-00)T
- b. CAUTION: Do not use on other crops. The (name of micro-nutrient) may cause injury to them. (8-21-00)T
- c. CAUTION: Apply this fertilizer at a maximum rate of (number of pounds) per acre for (name of crop). Do not use on other crops; the (name of micro-nutrient) may cause serious injury to them. (8-21-00)T
- d. WARNING: This fertilizer carries added (name(s) of micro-nutrient(s)) and is intended for use only on (name of crop). Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops. (8-21-00)T
- e. CAUTION: This fertilizer is to be used only on soil that responds to (name of micro-nutrient). Crops high in (name of micro-nutrient) are toxic to grazing animals (ruminants). (8-21-00)T
- f. CAUTION: (Name of micro-nutrient) is recommended for all crops where (name of micro-nutrient) may be deficient; however excessive application to susceptible crops may cause damage. (8-21-00)T

021. -- 029. (RESERVED).

030. FERTILIZER LABELS.

The following information, in the format presented, is the minimum required for all fertilizer labels. For packaged products, this information shall either appear on the package, or be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery. (8-21-00)T

01. Net weight. (8-21-00)T

02. Brand. (8-21-00)T

03. Grade. Grade (provided that the grade shall not be required when no primary nutrients are claimed). (8-21-00)T

04. Guaranteed Analysis. A fertilizer label must contain the results of the guaranteed analysis. Zero (0) guarantees should not be made and shall not appear in any statement except in nutrient guarantee itemizations. If chemical forms of nitrogen are claimed or required, said form shall be set forth on the label. Nutrients other than nitrogen, phosphate and potash shall be set forth, on an elemental basis, as required by Subsection 010.01. The results of the guaranteed analysis required by this rule shall be in the following form:

Total Nitrogen	(N). _____%
_____%	Ammoniacal Nitrogen
_____%	Nitrate Nitrogen
_____%	Water Insoluble Nitrogen
_____%	Urea Nitrogen
_____%	(Other recognized and determinable forms of N)
Available Phosphate (P ₂ O ₅)	_____%
Soluble Potash (K ₂ O)	_____%
(Other nutrients, elemental basis)	_____%

(8-21-00)T

05. Sources. Sources of nutrients shall be listed below the completed guaranteed analysis statement. (8-21-00)T

06. Name And Address. Name and address of registrant. (8-21-00)T

07. Specialty Fertilizers. For specialty fertilizers distributed to the end user, the label shall set forth adequate directions for use. Such directions may include, but are not limited to: (8-21-00)T

a. The recommended application rate or rates in units of weight or volume per unit of area coverage (where application rates are given in volume, the manufacturer shall provide the bulk density for the product on the label); (8-21-00)T

b. Proper seasonal times and minimum intervals to apply the product when plants can rapidly utilize nutrients and loss to the environment can be minimized; and (8-21-00)T

c. The statement "Apply Only As Directed" or a statement of similar designation. (8-21-00)T

08. Packaging. Refer to Idaho Department of Agriculture rules, IDAPA 02.02.14, "Rules for Weights and Measures," for the specific requirements relating to product identity, declaration of quantity and prescribed units. (8-21-00)T

031. MULTI-LABELING.

The labeling of a fertilizer as a plant nutrient and as a product appropriate for another use, as well as including directions for use and grade guarantees for other than the contents of the container, a practice known as "multi-labeling," is prohibited. (8-21-00)T

032. -- 034. (RESERVED).

035. BRAND AND PRODUCT REGISTRATION.

01. Brand Registration. All fertilizer companies, including companies engaged in custom-formula mixing of dry or liquid fertilizers, shall comply with the brand and product registration requirements of the Idaho Fertilizer Act of 2000, Section 22-605, Idaho Code, subject to the provisions of this chapter. (8-21-00)T

02. Alteration From Original State. When a fertilizer is mixed, added to, or in any way changed from its original grade or its content of secondary or minor nutrients, it is a different product, and must be registered as provided under Section 22-605, Idaho Code. (8-21-00)T

03. Registering - Altered Brands. When a registered brand or grade is altered by any commercial fertilizer manufacturer or ultimate dealer, such manufacturer or ultimate dealer, shall register the altered brand or grade as provided under Section 22-605, Idaho Code. (8-21-00)T

04. Brand Name. The addition of another prominent name or graphic design to the registered brand displayed on the label, other than descriptive words associated with the grade, shall constitute a different brand and thus, must be registered as provided under Section 22-605, Idaho Code. For example, changing "Rose Bud 5-10-5" to "Kilmer's Rose Bud 5-10-5" would constitute a change in brand. (8-21-00)T

05. Sale Of Fertilizer. When a commercial fertilizer is removed from the package or vehicle in which it was placed by the original registrant and then offered for sale by a person other than the original registrant, it is a different product and shall be registered in accordance with Section 22-605, Idaho Code, except that it shall not be subject to an additional inspection fee as provided under Section 22-608, Idaho Code, provided that said fee was paid on the product by the original or prior registrant. (8-21-00)T

036. -- 039. (RESERVED).

040. SLOWLY RELEASED PLANT NUTRIENTS.

01. Slow Release. No fertilizer label shall bear a statement that connotes or implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the slow release components are identified and guaranteed at a level of at least fifteen percent (15%) of the total guarantee for that nutrient(s). (8-21-00)T

02. Slow Release Properties. Types of products with slow release properties currently recognized by the department for the purposes of a guarantee include: (8-21-00)T

a. Water insoluble, such as natural organics, ureaform materials, urea-formaldehyde products, isobutylidene diurea, oxamide, etc.;; (8-21-00)T

b. Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers; (8-21-00)T

c. Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles; and (8-21-00)T

d. Products containing water soluble nitrogen such as ureaform materials, urea-formaldehyde products, methylenediurea (MDU), dimethylenetriura (DMTU), dicyanodiamide (DCD), etc. (8-21-00)T

03. Additional Products May Be Added To List Of Slow Release Nutrients. The department may add additional products to the list of recognized slow release nutrients upon an appropriate showing by a registrant. The terms, “water insoluble,” “coated slow release,” “slow release,” “controlled release,” “slowly available water soluble,” and “occluded slow release,” are accepted as descriptive of these products, provided the manufacturer can show a testing program substantiating the claim. Testing shall be under guidance of Experiment Station personnel or a recognized researcher acceptable to the department. A laboratory procedure, acceptable to the department for evaluating the release characteristics of the product(s), must also be provided by the manufacturer. (8-21-00)T

04. Methods. Unless otherwise specified by the department, AOAC International Method 970.04 (15th Edition) is to be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC International Method 945.01 (15th Edition) shall be used to determine the water insoluble nitrogen of organic materials. (8-21-00)T

041. -- 049. (RESERVED).

050. INVESTIGATIONAL ALLOWANCES.

01. Use of Investigational Allowances. Investigational Allowances shall be used in determining whether a fertilizer is deficient. Fertilizers which are deemed deficient are subject to penalty. Penalties for deficient fertilizers are found in Section 22-611, Idaho Code. (8-21-00)T

02. Deeming A Fertilizer Deficient. A fertilizer shall be deemed deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the following schedules, or if the overall index value of the fertilizer is below ninety-eight percent (98%). Note: For these investigational allowances to be applicable, the recommended AOAC International procedures for obtaining samples, preparation and analysis must be used. These are described in Official Methods of Analysis of the Association of Official Analytical Chemists, 13th Edition, 1980, and in succeeding issues of the Journal of the Association of Official Analytical Chemists. In evaluating replicate data, Table 19, page 935, Journal of the Association of Official Analytical Chemists, Volume 49, No. 5, October, 1966, should be followed. (8-21-00)T

03. Investigational Allowances For Nitrogen, Phosphate And Potash. For guaranteed percentages not listed in the following table, calculate the appropriate investigational allowance by interpolation.

Guaranteed Percent	Nitrogen Percent	Available Phosphate Percent	Potash Percent
04 or less	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94

Guaranteed Percent	Nitrogen Percent	Available Phosphate Percent	Potash Percent
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32 or more (*)	0.88	0.76	1.44

(*For DAP and MAP, the Investigational Allowance for Available Phosphate shall be zero point seventy (0.70); for TSP, the Investigational Allowance shall be: one point fifty-two (1.52)). (8-21-00)T

04. Investigational Allowance for Other Nutrients. Secondary and minor elements shall be deemed deficient if any element is below the guarantee by an amount exceeding the values in the following schedule:

Element	Investigational Allowance
Calcium)	0.2 unit + 5% of guarantee
Magnesium)	0.2 unit + 5% of guarantee
Sulfur)	0.2 unit + 5% of guarantee
Boron)	0.003 unit + 15% of guarantee
Cobalt)	0.0001 unit + 30% of guarantee
Chlorine)	0.005 unit + 10% of guarantee
Copper)	0.005 unit + 10% of guarantee
Iron)	0.005 unit + 10% of guarantee
Manganese)	0.005 unit + 10% of guarantee
Molybdenum)	0.0001 unit + 30% of guarantee
Sodium)	0.005 unit + 10% of guarantee
Zinc)	0.005 unit + 10% of guarantee
The maximum allowance when calculated as specified shall be one (1) unit (one percent (1%)). For dry custom mix fertilizers, an additional five percent (5%) of the guarantee shall be granted in addition to the allowances made above in this section.	

(8-21-00)T

05. Overall Index Value. The overall index value is calculated by comparing the commercial value guaranteed with the commercial value found. Unit values of the nutrients used shall be those referred to in Section 22-612, Idaho Code. (8-21-00)T

06. Example. Overall index value - Example of calculation for a 10-10-10 grade found to contain 10.1% Total Nitrogen (N), 10.2% Available Phosphate (P₂O₅) and 10.1% Soluble Potash (K₂O). Nutrient unit values are assumed to be three dollars (\$3.00) per unit N, two dollars (\$2.00) per unit P₂O₅, and one dollar (\$1.00) per unit K₂O.

10.0 units N	x	3 = 30.0
10.0 units P ₂ O ₅	x	2 = 20.0
10.0 units K ₂ O	x	1 = 10.0
Commercial Value Guaranteed	=	60.0
10.1 units N	x	3 = 30.3
10.2 units P ₂ O ₅	x	2 = 20.4
10.1 units K ₂ O	x	1 = 10.1
Commercial Value Found	=	60.8
Overall Index Value	=	100 (60.8/60.00) = 101.3%

(8-21-00)T

051. -- 069. (RESERVED).

070. ITEMIZATION OF PLANT FOOD ELEMENTS WITHIN THE GUARANTEED ANALYSIS.

When a product label sets forth the different components of plant nutrients, the percentage for each component shall be shown before that component's name.

EXAMPLES:	
Total Nitrogen (N)	_____ %
_____ %	Ammoniacal Nitrogen
_____ %	Nitrate Nitrogen
Magnesium (Mg)	_____ %
_____ %	Water Soluble Magnesium (Mg)
Sulfur (S)	_____ %
_____ %	Free Sulfur (S)
_____ %	Combined Sulfur (S)
Iron (Fe)	_____ %

EXAMPLES:	
_____%	Chelated Iron (Fe)
Manganese (Mn)	_____%
_____%	Water Soluble Manganese (Mn)

(8-21-00)T

071. -- 079. (RESERVED)

080. ORGANIC NITROGEN.

If an amount of nitrogen is designated as organic then the water insoluble nitrogen or the slow release nitrogen guarantee must not be less than sixty percent (60%) of the nitrogen so designated. Coated urea shall not be included in meeting the sixty percent (60%) requirement.

(8-21-00)T

081. -- 999. (RESERVED).

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.06.22 - NOXIOUS WEED RULES

DOCKET NO. 02-0622-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is August 16, 2000.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Title 22, Chapter 24, 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 18, 2000.

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 proposed amendments will designate Eurasian watermilfoil (*Myriophyllum spicatum*) as a noxious weed in Idaho and add Sections 000 through 005, which had not been designated in the current rule.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a) Idaho Code, the governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule is necessary to protect the public health, safety or welfare and confers a benefit to the citizens of the state.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because there is strong support from agencies, stakeholders and interested parties for implementation of the proposed amendment and there is a need to implement the amendment to the rule as expeditiously as possible.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Glen Secrist, Bureau Chief, Idaho State Department of Agriculture, at (208) 332-8540.

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 25, 2000.

DATED this 16th day of August, 2000.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4623 FAX

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0622-0001

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-2403, Idaho Code. (8-21-00)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.22, "Noxious Weed Rules". (8-16-00)T

02. Scope. These rules identify those noxious weeds which have been officially designated by the Director as Noxious Weeds in the state of Idaho, designates articles capable of disseminating noxious weeds, requires treatment of articles to prevent dissemination of noxious weeds and provides authority to designate special management zones for management of noxious weeds. (8-16-00)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (8-21-00)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. (8-16-00)T

004. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the department. (8-21-00)T

005. ADDRESS, OFFICE HOURS, TELEPHONE AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (9-18-00)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (9-18-00)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701. (9-18-00)T

04. Telephone Number. The telephone number of the central office is (208) 332-8540. (9-18-00)T

05. Fax Number. The fax number of the central office is (208) 334-4062. (9-18-00)T

0006. -- 099. (RESERVED).

100. NOXIOUS WEEDS.

01. Designation of Noxious Weeds. The following weeds are hereby officially designated and published as noxious: (7-1-93)

a. Buffalobur (Solanum rostratum) Dun. (7-1-93)

b. Canada thistle (Cirsium arvense) (L.) Scop. (7-1-93)

c. Common crupina (Crupina vulgaris) Cass. (7-1-93)

d. Dalmatian toadflax (Linaria dalmatica) (L.) Mill. (7-1-93)

e.	Diffuse knapweed (<i>Centaurea diffusa</i>) Lam.	(7-1-93)
f.	Dyers woad (<i>Isatis tinctoria</i>) L.	(7-1-93)
<u>g.</u>	<u>Eurasian watermilfoil (<i>Myriophyllum spicatum</i>)</u>	<u>(8-16-00)T</u>
<u>gh.</u>	Field bindweed (<i>Convolvulus arvensis</i>) L.	(7-1-93)
<u>hi.</u>	Henbane (<i>Hyoscyamus niger</i>) L.	(7-1-93)
<u>ij.</u>	Johnsongrass (<i>Sorghum halepense</i>) (L.) Pers.	(7-1-93)
<u>jk.</u>	Jointed goatgrass (<i>Aegilops cylindrica</i>) Host.	(7-1-93)
<u>kl.</u>	Leafy spurge (<i>Euphorbia esula</i>) L.	(7-1-93)
<u>lm.</u>	Loosestrife (<i>Lythrum salicaria</i>) L.	(7-1-93)
<u>mn.</u>	Matgrass (<i>Nardus stricta</i>).	(7-1-93)
<u>no.</u>	Meadow knapweed (<i>Centaurea pratensis</i>).	(7-1-93)
<u>op.</u>	Milium (<i>Milium vernale</i>).	(7-1-93)
<u>pq.</u>	Orange hawkweed (<i>Hieracium aurantiacum</i>) L.	(7-1-93)
<u>qr.</u>	Musk thistle (<i>Carduus nutans</i>) L.	(7-1-93)
<u>rs.</u>	Perennial pepperweed (<i>Lepidium latifolium</i>) L.	(7-1-93)
<u>st.</u>	Perennial sowthistle (<i>Sonchus arvensis</i>) L.	(7-1-93)
<u>tu.</u>	Poison hemlock (<i>Conium maculatum</i>) L.	(7-1-93)
<u>uv.</u>	Puncturevine (<i>Tribulus terrestris</i>) L.	(7-1-93)
<u>vw.</u>	Rush skeletonweed (<i>Chondrilla juncea</i>) L.	(7-1-93)
<u>wx.</u>	Russian knapweed (<i>Centaurea repens</i>) L.	(7-1-93)
<u>xy.</u>	Scotch broom (<i>Cytisus scoparius</i>) (L.) Link	(7-1-93)
<u>yz.</u>	Scotch thistle (<i>Onopordum acanthium</i>) L.	(7-1-93)
<u>zaa.</u>	Silverleaf nightshade (<i>Solanum elaeagnifolium</i>) Cav.	(7-1-93)
<u>abb.</u>	Skeletonleaf bursage (<i>Cambrosia tomentosa</i>) Nutt.	(7-1-93)
<u>bbc.</u>	Spotted knapweed (<i>Centaurea maculosa</i>) Lam.	(7-1-93)
<u>edd.</u>	Syrian beancaper (<i>Zygophyllum fabago</i>) L.	(7-1-93)
<u>dee.</u>	Tansy ragwort (<i>Senecio jacobaea</i>) L.	(7-1-93)
<u>eff.</u>	Toothed spurge (<i>Euphorbia dentata</i>).	(7-1-93)
<u>ffg.</u>	Whitetop (<i>Cardaria draba</i>) (L.) Desv.	(7-1-93)

~~ggh.~~ Yellow hawkweed (*Hieracium pratense*) Tausch (7-1-93)

~~hhi.~~ Yellow starthistle (*Centaurea solstitialis*) L. (7-1-93)

~~hjj.~~ Yellow toadflax (*Linaria vulgaris*) Mill. (7-1-93)

02. Designation Of Articles Capable Of Disseminating Noxious Weeds. The following articles are designated by the Director as capable of disseminating noxious weeds: (7-1-93)

a. Construction equipment, road building and maintenance equipment, and farm machinery. (7-1-93)

b. Trucks and motorized vehicles. (7-1-93)

c. Grain and seed. (7-1-93)

d. Hay, straw and other material of similar nature. (7-1-93)

e. Nursery stock. (7-1-93)

f. Feed and seed screenings. (7-1-93)

g. Fence posts, fencing and railroad ties. (7-1-93)

h. Sod. (7-1-93)

i. Manure, fertilizers and material of similar nature. (7-1-93)

j. Soil, sand, and gravel. (7-1-93)

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING
DOCKET NO. 07-0104-0001
NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 54-1006, 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 18, 2000.

The hearings 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 Board has long granted waivers of specialty electrical contractor's licensing requirements when certain conditions were met. Because the Board meets infrequently, and because waivers are a ministerial function, authority to grant waivers to qualifying applicants is being delegated to the staff.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rule is non-controversial; applicants are not a discrete, identifiable group.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Gary Malmen, Bureau Chief, at (208) 334-2183.

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 25, 2000.

DATED this 18th day of August, 2000.

Gary Malmen
Bureau Chief
Division of Building Safety, Electrical Bureau
277 N. 6th
P. O. Box 83720
Boise, ID 83720
Telephone: (208) 334-2183
Facsimile: (208) 334-4891

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0104-0001

017. SPECIALTY CONTRACTOR LICENSE.

01. Eligibility Qualifications For Specialty Electrical Contractor ~~License~~. Except as herein provided, Any person who holds a valid specialty journeyman electrician license, issued by the Idaho Electrical

~~Board, partnership, company, firm, association, or corporation shall be eligible to apply for a specialty electrical contractor license in the area of specialty in which he holds his specialty journeyman license. Such license may also be obtained by any person, partnership, company, firm, association, or corporation upon the condition that such applicant will be responsible for supervision of electrical installations made by said company, firm, association, or corporation as provided by Section 54-1010, Idaho Code. The supervising specialty journeyman electrician shall be available during working hours to carry out the duties of supervising specialty journeyman, as set forth herein. In addition, the applicant shall meet or have at least one (1) regular full-time employee who meets one (1) of the following criteria:~~ ()

~~a. Holds a valid specialty journeyman electrician license issued by the Electrical Bureau, in the area of specialty of the same category as the specialty contractor license being applied for. Individuals who, and has held a valid specialty journeyman electrician's license for a period of not less than two (2) years, during which time he was employed as a specialty journeyman electrician for a minimum of four thousand (4,000) hours;~~ ()

~~b. Holds a valid and current Idaho electrical contractors license or who are acting as their own journeyman or holders of valid and current Idaho electrical contractors licenses who hold such licenses with a licensed Idaho journeyman in their employ, may act as specialty contractors without the necessity of obtaining specialty contractor licenses specialty journeyman electrician license issued by the Electrical Bureau, in the same category as the specialty contractor, and has at least four (4) years of experience in the specialty electrical category with a minimum of two (2) years practical experience in planning, laying out, and supervising electrical installations in this specialty category.~~ (7-9-84)()

02. Modification To Qualifications. Applicants for specialty contractor licenses, or individuals countersigning such applications, shall be subject to the same requirements, restrictions, and fees applicable to other electrical contractors and countersigning journeyman, as set forth in the current Electrical Laws and Rules, ~~with the following modification: A person holding a specialty journeyman license may petition the Board for waiver of the requirement contained in IDAPA 07-01-03-015-01 that a supervising journeyman hold a valid journeyman electrician's license for a period of not less than two (2) years before the specialty contractor's license is granted. Such petition may be granted by the Board in its discretion only if it finds:~~ (2-23-94)()

~~a. That the petitioner is the applicant for a specialty contractor's license or an individual countersigning such application and proposes to act as supervising journeyman for the applicant;~~ (2-23-94)

~~b. That compliance with the two (2) year licensure requirement for qualification as a supervising journeyman would pose an extreme hardship to the petitioner;~~ (2-2-92)

~~e. That the petitioner has experience equivalent to the two (2) year requirement, which experience was gained through lawful employment in the specialty.~~ (2-2-92)

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.09 - RULES GOVERNING READOPTION OF RULES OF ELECTRICAL DIVISION
DOCKET NO. 07-0109-0001 (REPEAL)
NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 54-1006, 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 18, 2000.

The hearings 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:

IDAPA 07.01.09 is not applicable to the current rules of the Division of Building Safety and is hereby repealed in its entirety.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the repeal is strictly a clerical correction.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Gary Malmen, Bureau Chief, at (208) 334-2183.

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 25, 2000.

DATED this 18th day of August 2000.

Gary Malmen
Bureau Chief
Electrical Bureau
Division of Building Safety
277 N. 6th
P. O. Box 83720
Boise, ID 83720
Telephone: (208) 334-2183
Facsimile: (208) 334-4891

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION**

08.01.02 - PERSONNEL RULES OF THE STATE BOARD OF EDUCATION

DOCKET NO. 08-0102-0001 (REPEAL)

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to chapters 1, 22, 23, 28, 30, 31 and 40 of title 33 and sections 59-1603 and 59-1606, Idaho Code and Article IX, Section 2 and Article IX, Section 10 of the Idaho Constitution.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 19, 2000 at 8:30 a.m.
North Idaho College
Lake Coeur d'Alene Room, Edmister Student Union Building
Coeur d'Alene, Idaho

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 repeal this chapter of the rules in its entirety. It is unnecessary for this chapter to be in administrative rule as it provides guidance to the Board of Education governed institutions. These rules in no way regulate members of the general public. Regulations related to personnel of the Board's agencies and institutions are provided in the Board's Governing Policies and Procedures, which allows the Board more flexibility to make changes and will save money in publication and maintenance costs. Also, by adopting such into policy rather than rule, it consolidates the Board's guidelines into a single document for the institutions rather than having them consult several sources.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rule change is not controversial in nature and other interested parties would not be harmed as a result of the change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270.

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 25, 2000.

DATED this 17th day of August, 2000.

Randi McDermott
State Board of Education
650 W. State St.
PO Box 83720, Boise, ID 83720-0037
Phone: 208-334-2270 / Fax: 208-334-2632

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION**
08.01.03 - FINANCIAL AFFAIRS OF THE STATE BOARD OF EDUCATION
DOCKET NO. 08-0103-0001 (REPEAL)
NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 33-106 as well as several sections in chapters 22, 23, 28, 29, 30, 31 and 40 of Title 33, Idaho Code and Article IX, Section 2 and Article IX, Section 10 of the Idaho Constitution.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 19, 2000 at 8:30 a.m.
North Idaho College
Lake Coeur d'Alene Room, Edmister Student Union Building
Coeur d'Alene, Idaho

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 repeal this chapter of the rules in its entirety. It is unnecessary for this chapter to be in administrative rule as it provides guidance to the Board of Education governed institutions. These rules in no way regulate members of the general public. Regulations related to financial affairs at the colleges and universities are provided in the Board's Governing Policies and Procedures, which allows the Board more flexibility to make changes and will save money in publication and maintenance costs. Also, by adopting such into policy rather than rule, it consolidates the Board's guidelines into a single document for the institutions rather than having them consult several sources.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rule change is not controversial in nature and other interested parties would not be harmed as a result of the change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270.

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 25, 2000.

DATED this 17th day of August, 2000.

Randi McDermott
State Board of Education
650 W. State St.
PO Box 83720, Boise, ID 83720-0037
Phone: 208-334-2270 / Fax: 208-334-2632

THIS RULE IS BEING REPEALED IN ITS ENTIRETY.

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION**
08.01.04 - RULES GOVERNING RESIDENCY CLASSIFICATION
DOCKET NO. 08-0104-0001
NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 33-3717, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 19, 2000 at 8:30 a.m.
North Idaho College
Lake Coeur d'Alene Room, Edmister Student Union Building
Coeur d'Alene, Idaho

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 allow a person separated under honorable conditions from the U.S. Coast Guard who designates Idaho as his intended domicile to be considered an Idaho resident for tuition purposes.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rule change is not controversial in nature and other interested parties would not be harmed as a result of the change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270.

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 25, 2000.

DATED this 17th day of August, 2000.

Randi McDermott
State Board of Education
650 W. State St.
PO Box 83720
Boise, ID 83720-0037
Phone: 208-334-2270
Fax: 208-334-2632

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0104-0001

005. DEFINITIONS.

01. Resident Student. Resident student is defined in Section 33-3717, Idaho Code, and specifically includes: (1-1-94)

a. Any student who has one (1) or more parent or court appointed guardians who are domiciled in the state of Idaho for at least one (1) year prior to the opening day of the term for which the student matriculates. (1-1-94)

b. Any student who receives less than fifty percent (50%) of his support from a parent, parents, or legal guardians who are not residents of Idaho for voting purposes and which student has continuously resided in the state for twelve (12) months immediately preceding the opening day of the term during which the student proposes to attend and who has in fact established a bona fide domicile in the state of Idaho primarily for purposes other than educational. (1-1-94)

c. Unless disqualified as a nonresident student as defined in Subsection 005.02, any student who is a graduate of an accredited secondary school in the state of Idaho and who matriculates during the term immediately following such graduation. (1-1-94)

d. The spouse of a person who is classified or is eligible for classification as a resident of the state for purposes of attending a college or university, provided that the institution shall require the filing of proof of marriage by the applicant. (1-1-94)

e. A member of the armed forces of the United States stationed in the state on military orders. (1-1-94)

f. A student whose parent or guardian is a member of the armed forces and stationed in the state on military orders and who receives fifty percent (50%) or more of his support from a parent or guardian, provided that the student, while in continuous attendance, shall not lose residency status when the student's parent or guardian is transferred on military orders. (1-1-94)

g. A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state within one (1) year of the date of separation. (1-1-94)

h. Any person who has been domiciled in the state, has qualified and would otherwise be qualified under Section 33-3717, Idaho Code, and who is away from the state for a period of less than one (1) calendar year and has not established legal residence elsewhere, provided a twelve (12) month period of continuous residence has been established immediately prior to departure. (1-1-94)

02. Nonresident Student. Nonresident student is defined in Section 33-3717, Idaho Code, and includes: (1-1-94)

a. A student who does not qualify as a resident student as defined in Subsection 005.01. (1-1-94)

b. A student attending an institution in this state with financial assistance provided by another state or governmental entity thereof, such nonresidency continuing for one (1) year after the completion of the semester for which such assistance is last provided. (1-1-94)

c. A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or who does not hold "refugee-parolee" or "conditional entrant" status with the United States Immigration and Naturalization Service, or is not otherwise permanently residing in the United States under color of law, and who does not also comply with and meet all applicable sections of Section 33-3717, Idaho Code, and this chapter. (1-1-94)

03. Continuously Resided. The term “continuously resided” as used in this chapter means physical presence in the state for twelve (12) consecutive months. Absence from the state for normal vacations, family travel, work assignments, short-term military training, and similar occasions totaling not more than thirty (30) days during the twelve (12) month qualifying period, in and of itself, will not be regarded as negating the continuous residence of the individual. (1-1-94)

04. Continuous Attendance. For purposes of Subsection 005.01.f., “continuous attendance” means attendance at a college or university for continuing and succeeding semesters or terms excluding summer semesters or terms. (1-1-94)

05. Accredited Secondary School. “Accredited secondary school” means an Idaho secondary school accredited by the State Board of Education. (1-1-94)

06. Term Immediately Following Graduation. For purposes of Subsection 005.01.c., “the term immediately following graduation” does not include the summer semester or term of a college or university. (1-1-94)

07. Armed Forces. “Armed forces” means the United States Army, Navy, Air Force, ~~and~~ Marine Corps, ~~and United States Coast Guard~~. It does not include the ~~United States Coast Guard~~, National Guard, or other reserve force. (1-1-94)()

08. Domicile. “Domicile” means an individual’s true, fixed, and permanent home and place of habitation; the place where the individual intends to remain and to which the individual expects to return when he leaves without intending to establish a new domicile elsewhere. The establishment of domicile in Idaho occurs when a person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to another state or acquire a domicile at some other place outside the state and the person has met any other applicable requirements of this chapter. (1-1-94)

09. Support. “Support” means financial support given to the student during the twelve (12) months preceding the opening date of the term for which resident status is requested. Any student who receives less than fifty percent (50%) support may demonstrate this by showing that he is not claimed as a dependent by a parent or guardian for income tax purposes or that a parent or guardian provides less than fifty percent (50%) of the cost of attending an institution according to the financial aid office of that institution or that other similar evidence exists of parental support such as dental bills, medical bills, etc. (1-1-94)

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION
AND STATE BOARD OF EDUCATION**

08.01.09 - INTELLECTUAL PROPERTY AND CONFLICT OF INTEREST

DOCKET NO. 08-0109-0001 (REPEAL)

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to chapters 1, 22, 28, 30, 31, 38 and 40 of title 33, Idaho Code and Article IX, Section 2 and Article IX, Section 10 of the Idaho Constitution.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 19, 2000 at 8:30 a.m.
North Idaho College
Lake Coeur d'Alene Room, Edmister Student Union Building
Coeur d'Alene, Idaho

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 repeal this chapter of the rules in its entirety. It is unnecessary for this chapter to be in administrative rule as it provides guidance to the Board of Education governed institutions. These rules in no way regulate members of the general public. Regulations related to intellectual property and conflict of interest are provided in the Board's Governing Policies and Procedures, which allows the Board more flexibility to make changes and will save money in publication and maintenance costs. Also, by adopting such into policy rather than rule, it consolidates the Board's guidelines into a single document for the institutions rather than having them consult several sources.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rule change is not controversial in nature and other interested parties would not be harmed as a result of the change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270.

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 25, 2000.

DATED this 17th day of August, 2000.

Randi McDermott
State Board of Education
650 W. State St.
PO Box 83720
Boise, ID 83720-0037
Phone: 208-334-2270
Fax: 208-334-2632

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

**IDAPA 08 - IDAHO STATE DEPARTMENT OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION**

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0001

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with sections 67-5221(1) Idaho Code, notice is hereby given that this agency has initiated proposed regular rulemaking procedures. The action is authorized pursuant to Section 33-105, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing 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 18, 2000.

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

Following approval of the Professional Standards Commission and permission from the State Board of Education to proceed with the Administrative Procedure Act, legislative approval is requested to provide a 2001 date for the updated version of the Idaho Department of Education Professional School Personnel Certification Standards Manual.

FEE SUMMARY: No fees are attached to this proposal.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Professional Standards Commission establishes certification criteria in consultation with those having affected interests.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dr. Mike Stefanic, Idaho Chief Certification Officer, at (208) 332-6800.

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 25, 2000.

DATED this 17th day of August, 2000.

Dr. Michael P. Stefanic,
Administrator/Professional Standards Commission
& Chief Certification Officer
Idaho State Department of Education
650 W. State Street
P.O. Box 83720
Boise, ID 83720-0027
(208) 332-6800
facsimile (208) 334-4664

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0001

005. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates into its rules:

(4-5-00)

01. Incorporated Document. The Idaho Department of Education Professional School Personnel Certification Standards Manual, ~~revised on June 17, 1999~~ 2001 version. (4-5-00)()

02. Document Availability. The manual is available at the Idaho State Department of Education at 650 W. State St., P.O. Box 83720, Boise, Idaho 83720-0027. (4-5-00)

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION**

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0002

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Sections 33-105(1) and 33-114, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

**October 19, 2000 at 8:30 a.m.
North Idaho College
Lake Coeur d'Alene Room, Edmister Student Union Building
Coeur d'Alene, Idaho**

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 change the reference to the NASDTEC Standards as the official vehicle for the approval of teacher education programs. The replacement vehicle will be the National Council for Accreditation of Teacher Education (NCATE) approved Idaho Standards for Initial Certification of Professional School Personnel.

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

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because this rule change is not controversial in nature and other interested parties would not be harmed as a result of the change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270.

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 25, 2000.

DATED this 17th day of August, 2000.

Randi McDermott
State Board of Education
650 W. State St.
PO Box 83720
Boise, ID 83720-0037
Phone: 208-334-2270
Fax: 208-334-2632

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0002

005. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates into its rules: (4-5-00)

01. Incorporated Document. The Idaho Department of Education Professional School Personnel Certification Standards Manual revised on June 17, 1999. (4-5-00)

02. Document Availability. The manual is available at the Idaho State Department of Education at 650 W. State St., P.O. Box 83720, Boise, Idaho 83720-0027. (4-5-00)

03. Incorporated Document. The Idaho Standards for the Initial Certification of Professional School Personnel as approved on October 19, 2000. ()

04. Document Availability. The Standards are available at the Office of the State Board of Education, 650 W. State St., PO Box 83720, Boise, Idaho, 83720-0037, and can also be accessed electronically at <http://www.sde.state.id.us/osbe>. ()

(BREAK IN CONTINUITY OF SECTIONS)

100. OFFICIAL VEHICLE FOR APPROVING ~~EXISTING~~ TEACHER EDUCATION PROGRAMS.

(Section 33-114, Idaho Code) (4-1-97)

01. The Official Vehicle For The Approval Of ~~Existing~~ Teacher Education Programs. The official vehicle for the approval of ~~existing~~ teacher education programs will be the ~~current edition of the National Association of State Directors of Teacher Education and Certification (NASDTEC) Standards for State Approval of Teacher Education, as revised, together with the Idaho Supplement to the NASDTEC Standards~~ National Council for Accreditation of Teacher Education (NCATE) approved Idaho Standards for the Initial Certification of Professional School Personnel as approved on October 19, 2000. The Office of Teacher Certification will transmit to the head of each Idaho college or department of education a copy of all revisions to the ~~NASDTEC Standards or amendments by the State Board to the Idaho Supplement~~ Idaho Standards for the Initial Certification of Professional School Personnel. Such revisions will not take effect on approval evaluations of the Idaho program until two (2) years after notification of such revision. The two (2) year deferral may be waived upon written request of the head of the college or department to be evaluated. (~~4-1-97~~)()

02. Effective Date. The effective date for ~~approval of NASDTEC programs will be July 1, in the year following the State Board approval~~ the NCATE approved Idaho Standards for the Initial Certification of Professional School Personnel is September 1, 2001. Students with junior or senior standing and currently enrolled in ~~the an~~ institution's program that ~~has been denied approval~~ does not meet the Standards will be eligible for certification in Idaho after successfully completing their program if this program is completed within two (2) years of the ~~July~~ September 1, 2001 effective date. All ~~others enrolled in~~ programs ~~denied approval~~ not meeting the Standards will be ~~informed of the decision of the State Board of Education~~ responsible for informing enrolled students of their non-compliance. (~~4-1-97~~)()

03. Reference Availability. The ~~NASDTEC Standards for State Approval of Teacher Education, as revised, and the Idaho Supplement to the NASDTEC Standards~~ Idaho Standards for the Initial Certification of Professional School Personnel are incorporated herein by reference and are available for inspection in the ~~Office of the State Department Board~~ Office of the State Board of Education, ~~the State Law Library, and the Office of the Director of the Legislative Council.~~ (~~4-1-97~~)()

04. Continuing Accreditation. The state of Idaho will follow the National Council for Accreditation of Teacher Education (NCATE) model and continuing approval at the end of five (5) years following baseline approval. (4-1-97)

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION**

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0002

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Sections 33-105(1) and 33-114, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

October 19, 2000 at 8:30 a.m.
North Idaho College
Lake Coeur d'Alene Room, Edmister Student Union Building
Coeur d'Alene, Idaho

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:

At the request of the legislature, we are changing the name from "exiting" to "achievement" standards throughout the chapter. Additionally, the Board has adopted K-8 Achievement Standards to help students prepare for the 9-12 Standards. The newly approved K-8 Standards are incorporated by reference, along with the previously approved 9-12 Standards.

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

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because this rule change is not controversial in nature and other interested parties would not be harmed as a result of the change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Randi McDermott at 334-2270.

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 25, 2000.

DATED this 17th day of August, 2000.

Randi McDermott
State Board of Education
650 W. State St.
PO Box 83720
Boise, ID 83720-0037
Phone: 208-334-2270
Fax: 208-334-2632

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0002

004. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates into its rules:

01. K-8 State Achievement Standards. The Idaho State Board of Education K-8 State Achievement Standards approved August 16, 2000. ()

02. 9-12 State Achievement Standards. The Idaho State Board of Education 9-12 State Achievement Standards approved July 1, 1999. ()

03. Document Availability. The K-8 State Achievement Standards and the 9-12 State Achievement Standards are available at the Idaho State Department of Education at 650 W. State St., PO Box 83720, Boise, ID 83720-0027, and can also be accessed electronically at <http://www.sde.state.id.us/osbe>. ()

0045. -- 099. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

102. INSTRUCTIONAL REQUIREMENTS.

All schools will deliver a core of instruction and advisement programs (see Section 108, Guidance Programs) for each student in elementary schools, middle schools/junior high and high schools. (4-5-00)

01. Standards. All students will meet standards established locally (at a minimum, the standards of the state) through rigorous accountability, which include challenging examinations, demonstrations of achievement, and other appropriate tests and measures. (4-5-00)

02. Curriculum Guides. The State Department of Education Curriculum Guides may be used voluntarily and are designed to assist school districts as they develop educational programs and ~~existing~~ achievement standards. Notwithstanding the above, the State Division of ~~Vocational Education~~ Professional-Technical Education will prepare curriculum guides and instructional aids for ~~vocational~~ professional-technical education programs in the public schools. (Section 33-118, Idaho Code) (~~4-5-00~~)()

(BREAK IN CONTINUITY OF SECTIONS)

104. OTHER REQUIRED INSTRUCTION.

Other required instruction for all students and other required offerings of the school are: (4-1-97)

01. Elementary Schools (Grades 1-6). (4-1-97)

a. The following section outlines other information required for all students, as well as other required offerings of the school:

Fine Arts (art and music)
Health (wellness)
Physical Education (fitness) (4-1-97)

b. Additional instructional options as determined by the local school district. For example:
Languages other than English
Career Awareness (4-1-97)

02. Middle Schools/Junior High Schools. No later than the end of Grade eight (8) all students will develop parent-approved student learning plans for their high school and post-high school options. The learning plan

will be developed by students and parents or guardians with advice and recommendation from school personnel. It will be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the district's graduation standards. The school district will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-1-97)

- a. Other required instruction for all students:
Health (wellness)
Physical Education (fitness) (4-1-97)
- b. Other required offerings of the school:
Family and Consumer Science
Fine & Performing Arts
Vocational-Technical Education
Advisory Period (middle school only, encourage in junior high school)
Exploratory (middle school only) (4-1-97)
- c. Additional instructional options as determined by the local school district. For example:
Languages other than English (4-1-97)

03. High Schools (Grades 9-12). Students will maintain a parent-approved student learning plan for their high school and post-high school options. The learning plan will be developed by students and parents or guardians with advice and recommendation from school personnel. It will be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the district's graduation standards. The school district will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-1-97)

- a. Other required instructional offerings of the school. Each student must complete credit and ~~existing~~ achievement standards in at least two (2) of the following areas of instructional offerings:
Physical Education (fitness)
Humanities
Vocational-Technical Education (including work-based learning)
Family and Consumer Science
Fine and Performing Arts
Languages other than English (may include indigenous languages or sign language) (~~4-1-97~~)(____)
- b. Additional instructional options as determined by the local school district. For example:
Journalism (4-1-97)

105. GRADUATION FROM HIGH SCHOOL. Graduation from an Idaho high school requires that: (4-1-97)

01. Credit Requirements. All students will demonstrate achievement in the CORE and other required subjects to include forty-two (42) semester credits, one (1) semester equaling one-half (1/2) year. (4-5-00)

02. Existing Achievement Standards. All students will meet locally established subject area ~~existing~~ achievement standards (using state standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (~~4-5-00~~)(____)

03. Foreign Exchange Students. Foreign exchange students may be eligible for graduation by

completing a comparable program as approved by the Board of Trustees.

(4-5-00)

(BREAK IN CONTINUITY OF SECTIONS)

171. -- ~~199~~74. (RESERVED).

175. K-8 STATE ACHIEVEMENT STANDARDS.

As stated in Subsection 105.02 and as established in Section 200 of these rules, all students graduating from Idaho public high schools must meet locally established achievement standards. The Idaho State Board of Education 9-12 State Achievement Standards are the minimum standards used by all Idaho school districts to establish a level of achievement necessary to graduate from Idaho's public schools. In order to ensure success in meeting these graduation standards, the Idaho State Board of Education sets forth K-8 State Achievement Standards for all school districts to use in preparing K-8 students to meet the Idaho State Board of Education 9-12 State Achievement Standards. Each school district may set standards more rigorous than these state achievement standards but no district shall use any standards less rigorous than those set forth in these Thoroughness rules.

176. -- 199. (RESERVED).

200. 9-12 STATE ~~EXISTING~~ ACHIEVEMENT STANDARDS.

As stated in ~~rule~~ Subsection 105.02 of these Thoroughness rules, all students graduating from Idaho public high schools must meet locally established ~~existing~~ achievement standards. The standards set forth ~~below~~ in the Idaho State Board of Education 9-12 State Achievement Standards and included in ~~rules~~ Sections 200 through 600, inclusive, are state ~~existing~~ achievement standards that shall be the minimum standards used by every school district in the state in order to establish a level of academic achievement necessary to graduate from Idaho's public schools. Each school district may set standards more rigorous than these state ~~existing~~ achievement standards but no district shall use any standards less rigorous than those set forth in these rules. The implementation time for these ~~Existing~~ Achievement Standards rules is the graduating senior class of 2005. However, these rules are promulgated and effective as of July 1, 1999 to give school districts time to meet the state ~~existing~~ achievement standards for the graduating class of 2005. Definitions of terms used in the state ~~existing~~ achievement standards are found at Sections 210 through 215 and a glossary of mathematical terms is found at Section 216.

~~(4-5-00)~~(____)

(BREAK IN CONTINUITY OF SECTIONS)

210. ~~EXISTING~~ ACHIEVEMENT STANDARDS DEFINITIONS.

Idaho State Board of Education's Definition of an ~~Existing~~ Achievement Standard: "Specific subject criteria which, when measured, show a specific level of content knowledge and demonstrated application."

~~(4-5-00)~~(____)

IDAPA 11 - IDAHO STATE POLICE
11.04.01 - RULES GOVERNING HORSE RACING -
IDAHO STATE RACING COMMISSION
DOCKET NO. 11-0401-0001
NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rulemaking procedures. The action is negotiated rulemaking authorized pursuant to Section(s) Title 54, Chapter 25, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Idaho bettors are currently setting up telephone accounts in which to place pari-mutuel wagers in surrounding states. This rule change will require any operator engaging in account wagering pay a source market fee to the Idaho Racing Commission for disbursement to the racing industry.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Eugene "Jack" Baker, Executive Director at 208-884-7080.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2000.

DATED this 2nd day of August, 2000.

Eugene "Jack" Baker
Executive Director
Idaho State Racing Commission
700 S Stratford Drive
P. O. Box 700
Meridian, Idaho 83680
Phone: 208-884-7080
Fax: 208-884-7098

IDAPA 11 - IDAHO STATE POLICE
11.04.02 - RULES GOVERNING SIMULCASTING -
IDAHO STATE RACING COMMISSION

DOCKET NO. 11-0402-0001

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency intends to propose rules and desires public comment prior to initiating formal rulemaking procedures. The action is negotiated rulemaking authorized pursuant to Section(s) Title 54, Chapter 25, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Idaho bettors are currently setting up telephone accounts in which to place pari-mutuel wagers in surrounding states. With the deletion of the definition "Out of State Wagering" this will allow regulation on account wagering through these out of state hubs. An additional rule change will allow the racing industry to receive a "source market fee" for these transactions.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Eugene "Jack" Baker, Executive Director at 208-884-7080.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 1, 2000.

DATED this 2nd day of August, 2000.

Eugene "Jack" Baker
Executive Director
Idaho State Racing Commission
700 S Stratford Drive
P. O. Box 700
Meridian, Idaho 83680
Phone: 208-884-7080
Fax: 208-884-7098

IDAPA 11 - IDAHO STATE POLICE
11.10.02 - RULES ESTABLISHING FEES FOR SERVICES - IDAHO
CRIMINAL JUSTICE INFORMATION SYSTEM

DOCKET NO. 11-1002-0001

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 67-3010, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

Public hearings 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 18, 2000.

The hearing site 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 at the address below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the proposed rule:

The proposed rules will correct the statutory authority as adopted by the legislature and increase the name check fee from \$5 to \$10.

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

The name check fee will be increased from \$5 to \$10.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simple nature of the proposed rule change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Robert Taylor, Bureau of Criminal Identification.

Anyone may submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked or delivered by October 25, 2000.

DATED this 28th day of August, 2000.

Margaret P. White
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-1002-0001

000. LEGAL AUTHORITY.

These rules are authorized by Section ~~19-4812(3)~~ 67-3010, Idaho Code.

(7-1-96)()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 11.10.02, "Rules Establishing Fees for Services - Idaho Criminal Justice Information System". ()

02. Scope. The rules relate to the governance and operation of criminal history records and crime information. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". ()

004. MAILING ADDRESS AND OFFICE HOURS.

The mailing address for the Bureau of Criminal Identification is 700 S. Stratford, P.O. Box 700, Meridian, Idaho 83680-0700. Office Hours are 8 a.m. to 5 p.m., Monday through Friday. ()

00~~5~~. -- 009. (RESERVED).

010. DEFINITIONS.

Except as otherwise specifically provided, the terms defined in ~~Idaho Code~~ Section ~~19-4812(1)~~ 67-3001, Idaho Code, shall have the same meaning in these rules. (7-1-96)()

011. FEES FOR SERVICES.

01. Fingerprint Check. The Bureau shall charge a fee of not more than ten dollars (\$10) for each fingerprint check requested for other than law enforcement purposes. (7-1-96)

02. Name Check. The Bureau shall charge a fee of not more than ~~five~~ ten dollars (~~\$5~~10) for each name check requested for other than law enforcement purposes. (7-1-96)()

IDAPA 11 - IDAHO STATE POLICE
11.11.02 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING
COUNCIL FOR JUVENILE DETENTION OFFICERS

DOCKET NO. 11-1102-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is October 1, 2000.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 19-5107, 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 18, 2000.

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:

Establishes the minimum standards for employment and certification of juvenile detention officers.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule is necessary for the protection of the public health, safety, or welfare.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Michael N. Becar at (208) 884-7250.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2000.

DATED this 21st day of August, 2000.

Michael N. Becar
Executive Director
Idaho State Police
Peace Officer Standards and Training
700 South Stratford Drive
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7250
(208) 884-7295 (FAX)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 11-1102-0001

IDAPA 11
TITLE 11
Chapter 02

11.11.02 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING
COUNCIL FOR JUVENILE DETENTION OFFICERS

000. LEGAL AUTHORITY.

01. Section 20-504(2), Idaho Code. Pursuant to Section 20-504(2), Idaho Code, the Idaho Department of Juvenile Corrections shall establish minimum standards for detention, care and certification of approved detention facilities based upon such standards. (10-1-00)T

02. Section 19-5109(f), Idaho Code. Pursuant to Section 19-5109(f), Idaho Code, the Peace Officer Standards and Training Council may, upon recommendation of the Juvenile Training Council, implement minimum training and certification standards for juvenile detention officers. (10-1-00)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 11.11.02, "Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers," IDAPA 11, TITLE 11, Chapter 02. (10-1-00)T

02. Scope. These rules are established to provide the opportunity for all county juvenile detention officers in the state to receive quality, consistent training to ensure that juveniles in custody receive appropriate care and supervision. (10-1-00)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which might pertain to the interpretations of these rules will be available for public inspection to the extent allowed by Title 9, Chapter 3, Idaho Code, and will be available at the Department of Juvenile Corrections, 400 N. 10th (second floor), P.O. Box 83720, Boise, Idaho, 83720-0285. Additional written interpretations are available for public inspection at 700 South Stratford Drive, Meridian, Idaho 83642, P.O. Box 700, Meridian, Idaho 83680-0700. (10-1-00)T

003. ADMINISTRATIVE APPEALS.

Any appeals allowed under these rules shall be governed by the Idaho Administrative Procedure Act and by the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". (10-1-00)T

004. -- 009. (RESERVED).

010. DEFINITIONS.

01. Basic Juvenile Detention Academy. A basic course of instruction for Juvenile Detention Officers as recognized by POST Council. (10-1-00)T

02. Challenge Exam. A test to determine a person's competence for waiver of the basic Juvenile Detention Academy. (10-1-00)T

03. Juvenile Detention Center. A facility designed to temporarily detain juveniles who require secure custody for their own or the community's protection in physically restricting facilities. (10-1-00)T

04. Juvenile Detention Officer. Any employee of a juvenile detention center which is part of or administered by the county or any political subdivision thereof and who is responsible for the safety, care, protection, and monitoring of juvenile offenders held in the detention center. (10-1-00)T

05. Juvenile Training Council. An advisory group to the POST Council that is represented by the Director of the Department of Juvenile Corrections, a Magistrate, a county Juvenile Detention Director, a county Chief Probation Officer, a county Commissioner, and a county Sheriff. The purpose of the Juvenile Training Council is to advise POST Council in the planning, development, and operation of the Juvenile Detention Academy. (10-1-00)T

06. Mandatory Certification. To issue a certificate to a juvenile detention officer based upon successful completion of the mandatory training requirements established by POST Council. (10-1-00)T

07. Voluntary Certification. To issue a certificate to a juvenile detention officer based upon successful completion of the voluntary training requirements established by POST Council. (10-1-00)T

011. -- 029. (RESERVED).

030. JUVENILE DETENTION OFFICER CERTIFICATION.

01. Decertification. The council may decertify any juvenile detention officer in the same manner as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Subsection 091.03. (10-1-00)T

02. Certification. The following dates govern voluntary and mandatory certification. (10-1-00)T

a. From October 1, 2000 through September 30, 2002, any county Juvenile Detention Officer may receive voluntary certification from POST upon successful completion of the requirements outlined in Sections 031 or 032. (10-1-00)T

b. If employed after October 1, 2002, any juvenile detention officer shall be certified by obtaining mandatory certification from the Peace Officer Standards and Training Council within one (1) year of the date the officer was first employed as a juvenile detention officer. (10-1-00)T

c. Juvenile detention officers employed prior to October 1, 2002, shall comply with the training and certification provisions of Section 030 by September 30, 2004, however, the requirement for successful completion of the POST Basic Juvenile Detention Academy will be waived if the officer scores a minimum of seventy-five percent (75%) on a challenge examination administered by POST and any other requirements for certification. The officer will be allowed two (2) attempts to pass the examination. The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If the officer fails both attempts, the officer must successfully complete the POST Basic Juvenile Detention Academy to be certified. (10-1-00)T

03. Applications. All applications for award of the Juvenile Detention Officer Certificate shall be completed on the prescribed form "Application for Certification" as provided by the POST Council. (10-1-00)T

04. Submission. The Application for Certification form must be submitted by the officer/applicant to the applicant's department head, who shall forward the application to the Council. Certificates will be issued to the department head for award to the applicant. (10-1-00)T

05. Minimum Standards. Each applicant must meet the minimum standards for employment and training as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," with the exception of height, weight, fitness, and physical disability which will be left to the discretion of the employing agency. (10-1-00)T

031. THE BASIC CERTIFICATE.
The following requirements are necessary for award of the basic certificate: (10-1-00)T

01. Probation. The applicant must have completed at least six (6) months satisfactory probationary period (may include basic training academy time). Probationary period may be extended by the agency which could delay certification until the probationary period is satisfactorily completed. This six (6) months' time must be continuous with the department the officer is employed with when applying for certification. Probationary period may

not extend over one (1) year for certification purposes.

(10-1-00)T

02. Basic Training. The applicant shall have completed the POST Basic Juvenile Detention Academy and shall have passed the POST juvenile detention certification examination approved by the Council. The applicant shall be allowed two (2) attempts to pass the examination with a minimum score of seventy-five percent (75%). The attempts must be no less than thirty (30) days apart and no more than six (6) months apart. If an applicant fails both attempts, the applicant must reapply and successfully complete the POST Basic Juvenile Detention Academy to be certified.

(10-1-00)T

03. Juvenile Detention Training Manual. Successful completion of forty (40) hours of supervised juvenile detention training in the employing department, or another department if necessary, is required. Evidence of such training must be submitted by applicant's employer to POST Council.

(10-1-00)T

032. CHALLENGE PROCEDURE.

Any juvenile detention officer employed by a duly constituted Idaho juvenile detention center who has, within the last five (5) years, been employed by another state or the federal government as a juvenile detention officer or a student who has satisfactorily completed a Basic Juvenile Detention Academy equivalent to Idaho's POST Basic Juvenile Detention Academy within the last three (3) years shall be eligible for certification in the state of Idaho without attending the Basic Juvenile Detention Academy, provided the officer:

(10-1-00)T

01. Documents. Submits a POST Juvenile Detention Certification Challenge Packet to POST Council, which must include copies of transcripts, certificates, diplomas, or other documents that substantiate the officer's training and experience;

(10-1-00)T

02. Examination. Passes the POST juvenile detention certification examination approved by the Council and administered by a POST Training Specialist, conducted in the manner set forth in Subsection 030.02;

(10-1-00)T

03. Training. Attends and passes the Idaho POST Juvenile Detention Academy's "Legal and Liability Issues" and "Appropriate Use of Physical Force" training or POST-approved equivalent; and

(10-1-00)T

04. Probation Period. Completes probationary period, as required by Subsection 031.01. (10-1-00)T

033. -- 999. (RESERVED).

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is May 10, 2000.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 18, 2000.

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 the required finding and concise statement of the supporting reasons for proposed rulemaking:

To add new required sections to the rule, to repeal obsolete rules and allow residents to purchase unsold nonresident tags as allowed by statutory amendment.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with amendments to governing law and conferring a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. N/A

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rulemaking, contact Steve Barton at 334-3781.

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 25, 2000.

DATED this 18th day of August, 2000.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0104-0001

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-301, 36-401 through 412, Idaho Code, to adopt rules concerning the issuance and sales of licenses. (5-10-00)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.04.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.04, "Rules Governing Licensing". (5-10-00)T

02. Scope. These rules establish the methods for the issuance and sales of licenses. (5-10-00)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(vi), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (5-10-00)T

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission". (5-10-00)T

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (5-10-00)T

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

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (5-10-00)T

~~006.~~ -- 009. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

263. -- ~~299~~302. (RESERVED).

~~300. RESIDENT DISABLED PERSON'S PERMIT.~~

~~A Resident Disabled Person's Permit may be issued to any person who is a resident of Idaho and who is permanently and totally disabled as certified by a physician licensed to practice in the United States or Canada. (7-1-93)~~

~~301. RESIDENT BLIND PERSON'S PERMIT.~~

~~A Resident Blind Person's Permit may be issued to any person who is a resident of Idaho and who is blind as certified by a physician licensed to practice in the United States or Canada. (7-1-93)~~

~~302. FREE PERMITS AND TAGS FOR SENIOR CITIZENS.~~

~~**01. Permits.** A free permit for the taking of fish and game during the open seasons may be issued to any person seventy (70) years of age or older who has been a bona fide resident of the state of Idaho for a continuous period of not less than (5) five years last preceding the application for said permit. Applications for such permits shall be made on a form prescribed by the Department of Fish and Game. Permits may be issued by any licensed vendor or Department office. (7-1-93)~~

~~**02. Tags.** Tags for deer, elk, and bear shall be supplied free to the holders of senior citizen permits provided such permits are presented by mail or in person to the office of the Idaho Department of Fish and Game in~~

~~Boise, or to a Regional Office, and that upon issuance of the tags, the proper endorsement of such issuance be made on the permit.~~ (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

400. LANDOWNER APPRECIATION PERMITS.

01. Eligible Applicants. Eligible applicants must be registered with the Department and are limited to landowners. (4-5-00)

02. Hunt Units. Landowner Appreciation Permits shall be issued only for those controlled hunt units designated by the Director as eligible for such permits. ~~These hunts shall occur only where there is no general rifle hunt.~~ (4-5-00)(5-10-00)

03. Reasonable Access. ~~In 2000, Landowners, authorized corporate, or partnership representatives shall be eligible to participate in the Landowner Appreciation Program by agreeing in writing to provide reasonable public access for hunting both sexes of the species of animals for which he is registering without charging a fee to hunt. Landowners must be able to demonstrate to the Department that he allowed reasonable public access for hunting to eligible property. The record for the present and most recent past will be made available to the Department upon request.~~ are not required to provide access or retain written records as a condition to qualifying for Landowner Appreciation Permits. (4-5-00)(5-10-00)T

04. Qualifying Property. Only property that is used by and provides significant habitat values for deer, elk or antelope qualifies for the Landowner Appreciation Permit program. Landowners will receive Landowner Appreciation Permits only for the species and sex that use the property. (4-5-00)

05. Applications For Landowner Appreciation Permits. Applications for landowner appreciation permits shall be on a form prescribed by the Department. Applicants must be registered with the Department and shall sign the application. (4-5-00)

a. The application shall include the applicant's hunting or combination license number. (5-15-95)

b. Applications will be accepted on or after ~~July~~ June 15 of each year. Applications received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than ~~August~~ July 15 of each year will be entered in the random drawing for permits. This random draw will be weighted to allow for one (1) chance for each six hundred forty (640) acres of eligible property to each applicant. ~~Any permits left after the drawing will be issued on a first come first served basis eligible applicants. Applications for left-over-permits will be accepted on or after August 15 of each year on a first-come-first-served basis. Only written applications will be accepted and must be accompanied by a six dollar and fifty cent (\$6.50) application fee.~~ (4-5-00)(5-10-00)T

06. Property And Applicant Registration. (5-15-95)

a. Prior to any eligible applicant applying for a Landowner Appreciation Permit, the qualifying property and eligible applicant must be registered with the Department. Registering landowners must notify the Department of any changes in property or applicant eligibility. (4-5-00)

b. Registration of property and eligible applicant must be on a form prescribed by the Department. The landowner must submit the registration form and a copy of the deed(s), and the most recent tax assessment(s), describing the eligible property showing the name(s) of the owner(s), and a map of eligible property to the Department regional office. Department personnel will certify the registration and land description and return a copy to the landowner. (4-5-00)

c. If the Person registering is an authorized corporate or partnership representative, he shall submit

with his registration written verification from the board of directors, partnership, or an officer of the corporation, other than himself, verifying that he is authorized to register the property and eligible applicants. (4-5-00)

07. Issuance Of Permits. (7-1-93)

a. Effective in 1999, once the Department has determined the number of controlled hunt permits to be issued in any controlled hunt unit, an additional ten percent (10%) of the number of controlled hunt permits MAY be issued as Landowner Appreciation Permits. In subsequent years up to twenty-five percent (25%) of the number of controlled hunt permits MAY be issued only if the hunt is over subscribed by eligible Landowner Appreciation Permit applicants. (4-5-00)

b. Where the number of landowner appreciation applicants exceeds the number of landowner appreciation permits available in a unit, successful applicants will be determined by drawing. (4-5-00)

c. No more than two (2) Landowner Appreciation Permits may be issued to any eligible landowner. (4-5-00)

d. Only one (1) landowner appreciation permit may be issued for eligible property consisting of between six hundred forty (640) and four thousand nine hundred ninety-nine (4,999) acres. However, one (1) additional permit may be issued to a landowner or designated agent(s) for eligible property in excess of five thousand (5,000) acres. No landowner or designated agent(s) is eligible to receive more than one (1) permit for one (1) species in a calendar year. (4-5-00)

e. If more than one (1) application is received for eligible property consisting of from six hundred forty (640) to four thousand nine hundred ninety-nine (4,999) acres, all applications will be disqualified. If more than two (2) applications are received for eligible property consisting of five thousand (5,000) acres or more, all applications will be disqualified. (7-1-98)

f. A successful landowner, corporate or partnership representative drawing a landowner appreciation permit may, without additional fees, designate to whom the permit will be issued. (4-5-00)

08. Application Of Controlled Hunt Restrictions. (7-1-93)

a. The restriction that applying for a moose, bighorn sheep, or mountain goat controlled hunt makes the applicant ineligible to apply for any other controlled hunt shall not apply to persons who are otherwise eligible to apply for a landowner preference permit. (7-1-93)

b. Landowner appreciation permits issued to non-residents shall not be considered as part of the non-resident quota. (4-5-00)

c. Landowner preference permits are exempt from the one (1) year waiting periods applicable for certain deer, elk and antelope permits. (5-10-00)T

09. Special Restrictions. Any person hunting with a Landowner appreciation ~~preference~~ permit shall hunt only within the boundaries described in the hunt area designated by the Director. Only valid, current-year deer, elk, or antelope tags may be used in conjunction with a landowner appreciation permit. No person shall kill more than one (1) deer, elk or antelope during a calendar year EXCEPT: (~~4-5-00~~)(5-10-00)T

a. In designated controlled depredation hunts, one (1) additional deer, elk or antelope may be taken by persons holding permit/tags for those hunts; or (7-1-93)

b. In extra tag hunts, one (1) additional deer, elk or antelope may be taken by persons holding tags for those hunts. (7-1-98)

c. In no event shall any person take more than two (2) deer, elk or antelope during a calendar year or more than one (1) deer, elk or antelope per day. (7-1-93)

401. DEER LANDOWNER APPRECIATION SEASONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (5-10-00)T

~~01. Antlered Deer.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	Number of Permits
1500	Oct 10-Nov 3	1	Antlered	11	10
1501	Oct 10-Nov 3	1	Antlered	11A	5
1502	Oct 10-Nov 3	1	Antlered	14	15
1503	Oct 10-Nov 3	1	Antlered	18	10
1504	Oct 5-Oct 31		Antlered	44-1	20
1505	Oct 5-Oct 31		Antlered	45-1	6
1506	Oct 5-Oct 31		Antlered	47-1	9
1507	Oct 5-Oct 31		Antlered	52-1	8
1508	Oct 5-Oct 31		Antlered	54-1	70
1509	Oct 5-Oct 31		Antlered	55-2	50
1510	Oct 5-Oct 31		Antlered	57-1	11

(4-5-00)

~~02. Antlerless Deer.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	Number of Permits
1511	Oct 10-Nov 20	2	Antlerless	10AX	15
1512	Oct 10-Nov 20	2	Antlerless	11AX	10
1513	Oct 10-Nov 20	2	Antlerless	16X	10
1514	Oct 5-Oct 31		Antlerless	22-2	25
1515	Oct 5-Oct 31		Antlerless	31-2	25
1516	Oct 5-Oct 31		Antlerless	32-2	25
1517	Oct 5-Oct 31		Antlerless	32A-2	15
1518	Oct 5-Oct 31		Antlerless	39-2	90
1519	Oct 5-Oct 31		Antlerless	43-1	30
1520	Oct 5-Nov 9		Antlerless	44-3	70
1521	Oct 25-Nov 9		Antlerless	45-3	50
1522	Nov 1-Nov 30		Antlerless	60A-2	40

(7-1-99)F

03. ~~Either Sex.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	Number of Permits
1523	Oct 5-Oct 31	3	Either Sex	50X	50
1524	Oct 5-Nov 8		Either Sex	50-2	28
1525	Oct 5-Nov 8		Either Sex	59-2	14
1526	Oct 5-Nov 21		Either Sex	60	100
1527	Oct 5-Nov 8		Either Sex	62	10
1528	Oct 5-Nov 8		Either Sex	63	5
1529	Oct 5-Nov 8		Either Sex	64	8
1530	Oct 5-Nov 8		Either Sex	66-2	8
1531	Oct 5-Nov 8		Either Sex	69-2	10

(4-5-00)

04. ~~Muzzleloader Deer.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	Number of Permits
1532	Oct 5-Oct 31		Antlered	45-4	2

(4-5-00)

05. ~~Short Range Weapon Deer.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	Number of Permits
1533	Oct 5-Oct 31	4	Either Sex	63A	10
1544	Nov 15-Dec 31	2,4	Antlerless	65X	15

Notes:

1- Mule Deer ONLY.

2- White-tailed Deer ONLY.

3- All general deer hunt restrictions and dates for the unit being hunted, such as short range weapons, also apply to this controlled hunt.

4- This hunt has very limited access.

(4-5-00)

402. ELK LANDOWNER APPRECIATION SEASONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

(5-10-00)T

~~01. Antlered Elk.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number of Permits
2501	Oct 10 - Nov 3		Antlered	11-1	5
2502	Oct 10 - Nov 3		Antlered	18-1	13
2503	Oct 1 - Oct 24		Antlered	29-1	15
2504	Nov 1 - Nov 30		Antlered	30-2	15
2505	Nov 1 - Nov 30		Antlered	30A-1	8
2506	Oct 15 - Nov 8		Antlered	31-1	10
2507	Oct 1 - Oct 31		Antlered	36A-1	10
2508	Oct 1 - Oct 31		Antlered	36A-2	13
2509	Oct 1 - Oct 24		Antlered	37-1	5
2510	Oct 1 - Oct 24		Antlered	37A	8
2511	Oct 15 - Nov 24		Antlered	40-1	2
2512	Oct 15 - Nov 9		Antlered	43-2	30
2513	Nov 10 - Nov 24		Antlered	43-3	20
2514	Oct 15 - Nov 9		Antlered	44-2	10
2515	Oct 15 - Nov 9	†	Antlered	45-2	5
2516	Oct 15 - Nov 9		Antlered	48-2	13
2517	Oct 15 - Oct 31		Antlered	49-2	25
2518	Nov 1 - Nov 30		Antlered	51-2	8
2519	Sep 1 - Nov 30		Antlered	52A-1	5
2520	Oct 26 - Nov 9		Antlered	56-1	3
2521	Nov 1 - Nov 30		Antlered	58	10
2522	Nov 1 - Nov 30		Antlered	60-2	10
2523	Nov 1 - Nov 10		Antlered	61-1	10
2524	Oct 26 - Nov 9		Antlered	66A-2	60
2525	Oct 26 - Nov 9		Antlered	70-2	20

(4-5-00)

~~02. Antlerless Elk.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number Of Permits
2526	Oct 20 - Nov 13		Antlerless	8-1	8
2527	Oct 20 - Nov 13		Antlerless	8-2	8

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number Of Permits
2528	Nov 21 - Dec 31		Antlerless	8-3	13
2529	Nov 21 - Dec 31		Antlerless	8-4	15
2530	Oct 20 - Nov 13		Antlerless	10A-1	5
2531	Dec 10 - Dec 31		Antlerless	10A-2	5
2532	Oct 20 - Nov 13		Antlerless	11-2	5
2533	Oct 20 - Dec 31		Antlerless	11A	8
2534	Oct 10 - Nov 3	†	Antlerless	13-1	8
2535	Oct 20 - Nov 13	2, Research Study	Antlerless	14-1	3
2536	Dec 10 - Dec 31	2, Research Study	Antlerless	14-2	5
2537	Oct 20 - Nov 13	2, Research Study	Antlerless	14-3	5
2538	Nov 14 - Nov 24	2, Research Study	Antlerless	14-4	10
2539	Oct 20 - Nov 13	2, Research Study	Antlerless	15-1	8
2540	Nov 14 - Nov 30	2, Research Study	Antlerless	15-2	25
2541	Oct 20 - Nov 13	2, Research Study	Antlerless	16-1	15
2542	Nov 14 - Nov 24	2, Research Study	Antlerless	16-2	15
2543	Oct 20 - Nov 13		Antlerless	18-2	13
2544	Oct 1 - Oct 14		Antlerless	22-1	40
2545	Oct 1 - Oct 14		Antlerless	22-2	10
2546	Oct 15 - Oct 29		Antlerless	22-3	40
2547	Oct 1 - Oct 14		Antlerless	23-2	10
2548	Oct 5 - Oct 29	†	Antlerless	23-3	10
2549	Oct 15 - Nov 8		Antlerless	23-4	15
2550	Oct 15 - Dec 31	†	Antlerless	23-5	15
2551	Nov 1 - Dec 15	†	Antlerless	23-6	10
2552	Oct 15 - Nov 8		Antlerless	24-1	30
2553	Oct 15 - Nov 8		Antlerless	24-2	15
2554	Nov 1 - Nov 20		Antlerless	29-2	40
2555	Dec 1 - Dec 15		Antlerless	30-3	30
2556	Dec 1 - Dec 15		Antlerless	30A-2	8
2557	Oct 1 - Oct 14		Antlerless	31-2	15
2558	Oct 15 - Nov 9		Antlerless	31-3	15
2559	Oct 1 - Oct 29		Antlerless	32-1	10
2560	Aug 1 - Aug 29 Oct 1 - Dec 31		Antlerless	32-2	25

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number Of Permits
2561	Nov 1 - Nov 30	†	Antlerless	32-3	20
2562	Oct 1 - Oct 14		Antlerless	32A-1	40
2563	Oct 15 - Oct 29		Antlerless	32A-2	10
2564	Nov 10 - Nov 30		Antlerless	32A-3	10
2565	Oct 15 - Nov 8		Antlerless	33-1	20
2566	Nov 25 - Dec 9		Antlerless	33-2	10
2567	Oct 15 - Nov 8		Antlerless	34	5
2568	Oct 15 - Nov 8		Antlerless	35	5
2569	Nov 10 - Nov 30		Antlerless	36A-3	15
2570	Nov 10 - Nov 30		Antlerless	36A-4	25
2571	Nov 1 - Nov 20		Antlerless	37-2	20
2572	Sep 25 - Nov 3		Antlerless	39-1	10
2573	Oct 15 - Nov 3		Antlerless	39-2	10
2574	Oct 15 - Nov 3		Antlerless	39-3	10
2575	Aug 1 - Nov 15 Dec 7 - Dec 31	Land Perm	Antlerless	39-4	40
2576	Oct 15 - Nov 24		Antlerless	40-2	25
2577	Oct 15 - Nov 9		Antlerless	43-4	60
2578	Nov 10 - Nov 24		Antlerless	43-5	30
2579	Oct 15 - Nov 9		Antlerless	44-3	30
2580	Oct 15 - Nov 9	†	Antlerless	45-3	15
2581	Oct 15 - Nov 9		Antlerless	48-3	20
2582	Oct 15 - Nov 9		Antlerless	48-4	25
2583	Oct 15 - Oct 31		Antlerless	49-3	30
2584	Nov 10 - Nov 24		Antlerless	49-4	30
2585	Nov 1 - Nov 15		Antlerless	50-2	10
2586	Nov 1 - Dec 17		Antlerless	50-3	10
2587	Dec 10 - Dec 31		Antlerless	50-4	10
2588	Aug 1 - Dec 1		Antlerless	51-3	10
2589	Sep 1 - Nov 30		Antlerless	52A-2	20
2590	Sep 16 - Oct 14		Antlerless	56-2	4
2591	Nov 1 - Nov 30		Antlerless	56-3	4
2592	Nov 1 - Nov 30		Antlerless	60-3	25
2593	Oct 1 - Nov 30		Antlerless	60A-2	35

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number Of Permits
2594	Oct 22 - Nov 8		Antlerless	61-2	20
2595	Nov 1 - Dec 31		Antlerless	62A-1	15
2596	Nov 1 - Nov 30		Antlerless	64	13
2597	Nov 15 - Dec 10		Antlerless	66	60
2598	Oct 26 - Nov 9		Antlerless	66A-3	100
2599	Nov 25 - Dec 15		Antlerless	67-2	20
2600	Dec 1 - Dec 31		Antlerless	69-2	10
2601	Oct 26 - Nov 9		Antlerless	75-2	45
2602	Nov 10 - Dec 31		Antlerless	76-1	15

(4-5-00)

03. ~~Either Sex Elk.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number of Permits
2603	Oct 10 - Nov 3	1	Either Sex	13-2	20
2604	Aug 1 - Dec 31		Either Sex	51-4	3
2605	Oct 25 - Dec 10		Either Sex	62	30
2606	Nov 1 - Dec 10		Either Sex	62A-2	20

(4-5-00)

04. ~~Muzzleloader Elk.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number of Permits
2607	Nov 10 - Nov 29		Either Sex	4	2
2608	Nov 1 - Nov 24		Antlerless	22-4	10
2609	Nov 15 - Dec 10		Antlerless	24-3	30
2610	Dec 1 - Dec 31		Antlerless	32A-4	5
2611	Nov 10 - Nov 24		Antlerless	33-4	20
2612	Nov 11 - Dec 9		Either Sex	61-3	30

Notes:

1 - This hunt has very limited access.

2 - Successful hunters must report to an IDFG office or official check point within five (5) days of date of kill to turn in requested blood and tissue samples for research study. (4-5-00)

403. ANTELOPE LANDOWNER APPRECIATION SEASONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (5-10-00)T

01. Any Antelope.

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Antelope	Controlled Hunt Area	Number of Permits
4501	Sep 25-Oct 24		Any Antelope	29	5
4502	Sep 25-Oct 24		Any Antelope	30	3
4503	Sep 25-Oct 24		Any Antelope	30A	4
4504	Sep 25-Oct 24		Any Antelope	36A	3
4505	Sep 25-Oct 24		Any Antelope	36B	3
4506	Sep 25-Oct 24		Any Antelope	37-1	3
4507	Sep 25-Oct 24		Any Antelope	37-2	3
4508	Sep 25-Oct 24		Any Antelope	37A	3
4509	Sep 25-Oct 24		Any Antelope	39	1
4510	Sep 25-Oct 24		Any Antelope	40	15
4511	Sep 25-Oct 24		Any Antelope	42	20
4512	Sep 25-Oct 24		Any Antelope	44-1	4
4513	Sep 25-Oct 24		Any Antelope	46-1	6
4514	Sep 25-Oct 24		Any Antelope	49	5
4515	Sep 25-Oct 24		Any Antelope	50-1	10
4516	Sep 25-Oct 24		Any Antelope	50-2	5
4517	Sep 25-Oct 24		Any Antelope	50-3	3
4518	Sep 25-Oct 24		Any Antelope	51-1	8
4519	Sep 25-Oct 24		Any Antelope	51-2	5
4520	Oct 25-Nov 30		Any Antelope	51-3	5
4521	Sep 25-Oct 24		Any Antelope	54	1
4522	Sep 25-Oct 24		Any Antelope	57	1
4523	Sep 25-Oct 24		Any Antelope	53	3
4524	Sep 25-Oct 24		Any Antelope	58	5
4525	Sep 25-Oct 24		Any Antelope	59	10
4526	Sep 25-Oct 24		Any Antelope	60A	5
4527	Sep 25-Oct 24		Any Antelope	63-1	5
4528	Sep 25-Oct 24		Any Antelope	68	5

(4-5-00)

02. ~~Doe or Fawn Only.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Antelope	Controlled Hunt Area	Number Of Permits
4529	Oct 5-Oct 24		<i>Doe or Fawn</i>	44-2	4
4530	Oct 5-Oct 24		<i>Doe or Fawn</i>	46-2	5

(4-5-00)

03. ~~Muzzleloader Antelope.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Antelope	Controlled Hunt Area	Number of Permits
4531	Sep 25-Oct 24		<i>Any Antelope</i>	41	3
4532	Sep 25-Oct 24		<i>Any Antelope</i>	47	4
4533	Aug 1-Oct 24		<i>Any Antelope</i>	63-2	18

(4-5-00)

04. ~~Short Range Only Antelope.~~

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Antelope	Controlled Hunt Area	Number of Permits
4534	Sep 25-Oct 24	1	<i>Any Antelope</i>	61	3

Notes:

1-- Hunt has very limited access.

(4-5-00)

(BREAK IN CONTINUITY OF SECTIONS)

505. DEER AND ELK TAG ALLOCATION.

01. Allocation Of Tags. Pursuant to Idaho Code, Section 36-408(d), the Fish and Game Commission may allocate a number of deer and/or elk tags for use by hunters with signed agreements with licensed outfitters in zones with limited numbers of tags. The allocation will be calculated on a zone basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, nonoutfitted nonresident hunters, and outfitted hunters. When the number of hunters in a general hunt unit or zone becomes restricted, the Department will calculate the initial number of allocated tags for each zone using the Idaho Outfitters and Guides Licensing Board's records of average historic use during the previous five (5) year period. Where it is biologically feasible, any reductions in the number of tags available within a zone which exceeds twenty percent (20%) will be spread over a three (3) year period with a maximum reduction of fifty percent (50%) taken in the first year and twenty-five percent (25%) in the second year. When an area becomes controlled, hunt application and eligibility rules will apply to allocated tags in controlled hunts. Only those units or zones with licensed outfitted areas with historic use will be considered for tag allocation. (7-1-99)

02. Controlled Hunt Areas. Only those controlled hunt areas existing prior to 1998 with historic licensed deer and/or elk outfitted area(s) may be considered for a tag/permit allocation, ~~using one (1) of the following options:~~ (7-1-99)(5-10-00)T

a. The number of allocated tags will be subtracted from the number of tags authorized by the Commission within each controlled hunt area with historic licensed deer and/or elk outfitter areas. (5-10-00)T

b. Successful allocated controlled hunt applicants must use the services of an Idaho licensed outfitter. (5-10-00)T

c. The number of allocated tag/permits will be determined by using one (1) of the following options: (5-10-00)T

~~ci.~~ The number of allocated tags available within the controlled hunt area will be based on a variable scale depending on the number of tags established by the Fish and Game Commission: less than fifty-one (51) tags = zero percent (0%); fifty-one (51) or more tags = maximum of three percent (3%); or (7-1-99)

~~cii.~~ The number of tags available within the controlled hunt area will be based on the average historic use during the previous five (5) year period and calculated tag numbers will be rounded up when permits equal or exceed zero point six (0.6) and rounded down when permits are less than zero point six (0.6); or (7-1-99)(5-10-00)T

~~ciii.~~ No tags will be allocated. (7-1-99)

d. Applicants who apply for an outfitter controlled hunt by their application authorize the Department to provide their names and addresses only to those outfitters licensed for that controlled hunt and only if they are successful in drawing a permit for that controlled hunt. (5-10-00)T

03. Controlled Hunts Or Hunts With Limited Hunting Opportunities Established After 1997. Controlled hunts or hunts with limited hunting opportunities established after 1997, with historic licensed deer and/or elk outfitted areas, may be considered for allocated tags. The number of tags will be determined by the Fish and Game Commission using Subsections 505.02.~~ac.i.~~, 505.02.~~bc.ii.~~, and 505.02.c.~~iii.~~ (4-5-00)(5-10-00)T

506. DEER AND ELK OUTFITTER ALLOCATED TAG.

01. Allocated Tags. The following number of deer and elk tags shall annually be allocated for sale to persons who have entered into a signed agreement to utilize the services of an outfitter who is licensed in that zone under Title 36, Chapter 21, Idaho Code.

<i>Hunt Number</i>	<i>Open Season Dates, Inclusive</i>	<i>Legal Deer</i>	<i>Controlled Hunt Area</i>	<i>Total Permits</i>	<i>Outfitter Allocation</i>
1002	Oct 10 — Nov 3	Antlered	11	100	1
1005	Nov 10 — Nov 24	Antlered Only	14	150	1
1018	Nov 10 — Nov 24	Antlered	40-1	200	3
1020	Nov 10 — Nov 24	Antlered	42	75	1

(4-5-00)(5-10-00)T

02. For The ~~1999~~ 2000 Elk Hunting Season.

Zone	Units	Dates, Inclusive	Total B Tags	Outfitter Allocation
Lolo B Tags	10, 12	Oct 10 - Nov 3	1600	236
Selway B Tags	<u>16A, 17, 19, 20</u>	<u>Sep 15 – Sep 30</u> <u>Nov 1 – Nov 18</u>	<u>1255</u>	<u>356</u>
Middle Fork A Tags	<u>20A, 26, 27</u>	<u>Oct 1 – Oct 31</u>	<u>1551</u>	<u>209</u>
Middle Fork B Tags	<u>20A, 26, 27</u>	<u>Sep 15 – Sep 30</u> <u>Nov 1 – Nov 18</u>	<u>1636</u>	<u>444</u>

Hunt Number	Open Season Dates, Inclusive	Legal Elk	Controlled Hunt Area	Total Permits	Outfitter Allocation
2002	Oct 10 – Nov 3	Antlered	18-1	125	1
2006	Oct 1 – Oct 24	Antlered	29-1	150	3
2011	Oct 1 – Oct 31	Antlered	36A-1	100	2
2012	Oct 1 – Oct 31	Antlered	36A-2	125	3
2014	Oct 1 – Oct 24	Antlered	37A	75	2
2017	Oct 15 – Nov 9	Antlered	43-2	300	3
2018	Nov 10 – Nov 24	Antlered	43-3	200	1
2024	Oct 15 – Nov 9	Antlered	48-2	125	1
2026	Oct 15 – Oct 31	Antlered	49-2	250	2
2036	Nov 1 – Nov 10	Antlered	61-1	100	1
2038	Oct 26 – Nov 9	Antlered	66A-2	600	3
2041	Oct 26 – Nov 9	Antlered	70-2	200	1
2129	Oct 10 – Nov 3	Either Sex	13-2	200	8
2131	Oct 25 – Dec 10	Either Sex	62	300	12

~~(4-5-00)(5-10-00)T~~

03. Distribution Of Allocated Tags. Allocated tags shall be sold by the Department, as designated by IDAPA 25.01.01, “Rules of Idaho Outfitters and Guides Licensing Board,” Section 057, to hunters with signed agreements with licensed outfitters in those zones with a cap on the number of tags sold. In zones where resident and nonresident deer and/or elk tags are issued by lottery, allocated tags will be issued by lottery. Application for the purchase of allocated tags shall be made by the outfitter for the hunter on a form prescribed by the Department. The application shall be accompanied by the appropriate license fees and a certification by the outfitter that the hunter has a signed agreement to hunt with the outfitter making application. (7-1-99)

04. Designated Buyers. Purchasers of allocation tags who return their unused tag and a notarized affidavit stating that the tag buyer has not hunted may designate another person to purchase a replacement tag. If the original buyer does not make a designation, the outfitter may make the designation. The designated buyer must pay

the regular fee for the replacement tag. (7-1-99)

05. Unsold Tags. Any allocation tags not sold by August 1 of each year shall be sold by the Department on a first come, first serve basis. The Department may use a waiting list methodology to issue unsold tags. Applications shall be made only to the headquarters office of the Idaho Department of Fish and Game in Boise, Idaho. (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

600. NONRESIDENT DEER AND ELK TAG QUOTAS.

01. Tag Quotas. The following number of deer tags and elk tags shall be set aside annually and reserved for sale to nonresidents: (3-20-97)

- a. Twelve thousand eight hundred (12,800) regular or Clearwater deer tags; (7-1-99)
- b. Eleven thousand (11,000) A or B elk tags for all zones except the Panhandle zone; (7-1-99)
- c. One thousand eight hundred fifteen (1,815) Panhandle zone elk tags (7-1-99)
- d. One thousand two hundred (1,200) S.E. Idaho area Deer tags. (7-1-98)

02. Exceptions. Sales of nonresident deer and elk tags to the following persons shall not be counted in the quota: (7-1-93)

a. Unqualified Residents: Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (7-1-93)

b. Designated Buyers: Nonresident tag buyers who return their unused nonresident deer or elk tag and a notarized affidavit stating that the tag buyer has not hunted may designate another nonresident to purchase an additional tag. If the original buyer does not make a designation and has retained an outfitter or guide, the outfitter or guide may make the designation. The designated buyer must pay the regular fee for the replacement tag. If no designation is made by either the original buyer or the outfitter or guide, the Department may sell the replacement tag on a first-come, first-serve basis. (7-1-93)

c. Successful nonresident controlled hunt applicants who have not purchased a tag as of the date of the controlled hunt drawing. (7-1-93)

03. Refunds. The fee for any nonresident license (as defined in I.C. 36-202(z)) shall not be refunded for any reason except as follows. (7-1-98)

a. Hunting license and general season deer and elk tag refunds due to death, illness/injury or military deployment of licensee. Non-resident general season deer or elk tag fees and prerequisite hunting license fee may be refunded for death of licensee; illness or injury of licensee which totally disabled the licensee for the entire length of any applicable hunting season; or military deployment of licensee due to an armed conflict. Refund must be substantiated by death certificate, published obituary, written justification by a licensed medical doctor, copy of military orders, or other similar substantiating documents. The hunting license fee will not be refunded if it was used to apply for any controlled hunt or to purchase a turkey, mountain lion, or bear tag. The amount refunded will be the amount of the applicable deer or elk tag and hunting license less all issuance fees and a fifty dollar (\$50) processing fee. The refund request must be postmarked on or before December 31 of the calendar year in which the license and tags were valid. (7-1-98)

b. General season deer and elk tag refunds for other than death, illness/injury, or military deployment of licensee. Non-resident general season deer or elk tag fees may be refunded for any reason other than death of the

licensee; illness or injury of licensee which totally disables the licensee for the entire length of all applicable seasons; or military deployment of licensee due to an armed conflict. The request for the refund must be postmarked in the year in which the tag is valid. The hunting license fee will not be refunded. The refund will be based on the following sliding scale as a percent of the deer or elk tag fee. (7-1-98)

Postmarked	Percent of Fee Refunded
Before April 1	75%
in April through June	50%
in July and August	25%
September through December	0%

(7-1-98)

c. Department Error. The department determines that a department employee made an error in the issuance of the license. (7-1-98)

d. Submission Requirements. All refund requests must be in writing and be accompanied with the original copy of the license or tag. (7-1-98)

e. Effective. These changes will be effective with the 1997 licenses and tags. (7-1-98)

04. Sale Of Unsold Nonresident Deer Tags To Residents. Any unsold nonresident deer tags may be sold to residents, at the nonresident deer tag price, beginning September 1. All privileges and restrictions associated with the use of the nonresident deer tag will apply equally to residents who purchase a nonresident deer tag.

(5-10-00)T

601. ELK ZONE TAG QUOTAS.

<u>Zone</u>	<u>Units</u>	<u>Total Tags</u>	<u>General Resident Tags</u>	<u>General Nonresident Tags</u>	<u>Outfitter Allocation</u>
<u>Lolo B Tags</u>	<u>10,12</u>	<u>1600</u>	<u>1008</u>	<u>356</u>	<u>236</u>
<u>Selway B Tags</u>	<u>16A, 17, 19, 20</u>	<u>1255</u>	<u>565</u>	<u>334</u>	<u>356</u>
<u>Middle Fork A Tags</u>	<u>20A, 26, 27</u>	<u>1551</u>	<u>1168</u>	<u>174</u>	<u>209</u>
<u>Middle Fork B Tags</u>	<u>20A, 26, 27</u>	<u>1636</u>	<u>925</u>	<u>267</u>	<u>444</u>

(5-10-00)T

~~604~~. -- 699. (RESERVED).

700. SPECIAL BIGHORN SHEEP PERMIT/TAG.

01. Eligibility. In order to be eligible to bid on the special bighorn sheep tag, a person must ~~(7-1-93)~~

~~a. Be eligible to purchase an Idaho hunting or combination license, and the relevant permits and tags;~~ (7-1-93)(5-10-00)T

b. Not have killed both a California and a Rocky Mountain bighorn sheep. (7-1-93)

02. Validity Of Tag. The Special Bighorn Sheep Permit/Tag shall be valid ~~for use only as follows: in any open controlled hunt.~~ *(7-1-93)(5-10-00)T*

a. If the successful bidder has killed a California bighorn sheep south of Interstate Highway 84 since 1974, the tag shall be valid ONLY for the taking of Rocky Mountain bighorn sheep north of Interstate 84. (7-1-93)

b. If the successful bidder has killed a Rocky Mountain bighorn sheep north of Interstate Highway 84 since 1974, the tag shall be valid ONLY for the taking of California bighorn sheep south of Interstate 84. (7-1-93)

c. If the successful bidder has NOT killed either subspecies of bighorn sheep in Idaho, the tag shall be valid during any controlled hunt open for either California or Rocky Mountain bighorn sheep. (7-1-93)

03. License And Permit. A hunting license and permit will be provided to the successful bidder from the net proceeds of the auction. *(7-1-93)*

04. Application Of Big Game Rules. All rules governing the Taking of Big Game Animals, IDAPA 13.01.08, shall apply to the eligible and successful bidders other than as specified herein. *(7-1-93)*

a. No successful bidder shall be eligible to apply for a bighorn sheep controlled hunt permit tag the same year the bidder is issued a Special Bighorn Sheep Permit/Tag. (7-1-93)(5-10-00)T

b. A person receiving a Special Bighorn Sheep Permit/Tag, but who is unsuccessful in taking a bighorn sheep, shall be eligible to bid the following year for another Special Bighorn Sheep Permit/Tag. (7-1-93)(5-10-00)T

c. A person successful in taking a bighorn sheep with a special bighorn sheep tag shall be eligible to bid the following year for the other subspecies of bighorn sheep. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

800. BIGHORN SHEEP LOTTERY PERMIT/TAG.

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

a. In order to win and be issued the Bighorn Sheep Lottery Permit/Tag, a person must be eligible to purchase an Idaho hunting or combination license, and the relevant permits and tags. (7-1-93)(5-10-00)T

b. If any person wins the Bighorn Sheep Lottery Permit/Tag and has already been drawn for a bighorn sheep controlled hunt permit for the same year, the controlled hunt permit shall be returned to the Department and voided and the permit/tag fees refunded. The lottery tag will be valid to hunt bighorn sheep that year. (7-1-93)(5-10-00)T

02. Validity Of Tag. The Bighorn Sheep Lottery Permit/Tag shall be valid ~~for use only as follows: in any open controlled hunt.~~ *(7-1-93)(5-10-00)T*

a. If the lottery tag winner has killed a California bighorn sheep south of Interstate Highway 84 since 1974, the tag shall be valid ONLY for the taking of Rocky Mountain bighorn sheep north of Interstate 84. (7-1-93)

b. If the lottery tag winner has killed a Rocky Mountain bighorn sheep north of Interstate Highway 84 since 1974, the tag shall be valid ONLY for the taking of California bighorn sheep south of Interstate 84. (7-1-93)

~~e. If the successful bidder has NOT killed either subspecies of bighorn sheep in Idaho, the tag shall be valid during any controlled hunt open during the year of issue, for either California or Rocky Mountain bighorn sheep.~~ (7-1-93)

03. Permit. A permit and tag will be provided to the lottery tag winner from the net proceeds of the lottery. (7-1-93)

04. Application Of Big Game Rules. All Rules Governing the Taking of Big Game Animals shall apply to the eligible ticket purchasers and lottery tag winner, other than as specified herein. (7-1-93)

a. ~~No lottery tag winner shall have killed both a California and a Rocky Mountain bighorn sheep. If any person that wins the Bighorn Sheep Lottery Permit/Tag and has already drawn for a bighorn sheep controlled hunt permit for the same year, the controlled hunt permit shall be returned to the Department and voided and the permit/tag fees refunded. The lottery tag will be valid to hunt bighorn sheep that year.~~ (7-1-93)(5-10-00)T

b. A person receiving a bighorn sheep lottery tag, ~~but who is unsuccessful in taking a bighorn sheep,~~ shall be eligible to purchase lottery tickets the following year for another bighorn sheep lottery tag. (7-1-93)(5-10-00)T

c. ~~A person successful in taking a bighorn sheep with a bighorn sheep lottery tag shall be eligible to purchase lottery tickets the following year for the other subspecies of bighorn sheep. A person receiving a Bighorn Sheep Lottery Tag/Permit and who meets all the eligibility requirements may apply the following year for a bighorn sheep controlled hunt permit.~~ (7-1-93)(5-10-00)T

d. Any person who wins a Bighorn Sheep Lottery Permit/Tag, and who is otherwise eligible to apply for a deer, elk or antelope controlled hunt permit, shall be allowed to apply for a permit for those species during the same year the Bighorn Sheep Lottery Permit/Tag is valid. (7-1-93)(5-10-00)T

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-0002

NOTICE OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of this temporary rule is August 29, 2000.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted temporary rules. The action is authorized pursuant to Section(s) 36-104(b).

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for temporary rulemaking:

Authorize license and tag refunds or exchanges for fire closure.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Confers a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Steve Barton at 334-3782.

DATED this 29th day of August, 2000.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0104-0002

~~602.—699.~~ (RESERVED) SPECIAL FIRE CLOSURE REFUND AND EXCHANGE.

This special refund and exchange rule applies only to the 2000 hunting season. Because of fire related land use closures, some hunters will be unable to hunt in the area for which they purchased tags or tags/permits. (8-29-00)T

01. Eligibility For Refund Or Exchange. Hunters who have purchased tags, and who can show in good faith that they intended to hunt in an area closed by the land managing agency to all recreational activity due to fire, will be eligible for a refund or exchange as outlined in this rule. (8-29-00)T

02. Holders Of General Hunt Tags For Deer Or Elk. Holders of general hunt tags for deer or elk may request: (8-29-00)T

a. A refund of the hunting license and tag fee: (8-29-00)T

- b. An exchange for a hunting license and tag for the 2001 hunting season; or (8-29-00)T
- c. An exchange for a tag in another zone or area, so long as tags are available in that area or zone. (8-29-00)T
- 03. Holders Of Controlled Hunt Permits For Deer Or Elk.** Holders of controlled hunt permits for deer or elk may request: (8-29-00)T
- a. A refund of the hunting license and tag/permit fee; (8-29-00)T
- b. An exchange for a hunting license or tag/permit for the 2001 hunting season; or (8-29-00)T
- c. An exchange for a general hunt tag in a zone or area of their choice, so long as tags are available in that zone or area. (8-29-00)T
- 04. Holders Of Controlled Hunt Permits For Antelope.** Holders of antelope controlled hunt permits may request: (8-29-00)T
- a. A refund of the hunting license and tag/permit fee; or (8-29-00)T
- b. An exchange for a general season antelope tag. (8-29-00)T
- 05. Holders Of Controlled Hunt Permits For Moose, Bighorn Sheep, Or Mountain Goat.** Holders of moose, bighorn sheep, or mountain goat controlled hunt permits may request: (8-29-00)T
- a. A refund of the hunting license and tag/permit fee; or (8-29-00)T
- b. An exchange for a hunting license and tag/permit for the 2001 hunting season. If the Commission does not authorize the same hunt for the 2001 hunting season, then a refund will be made after the seasons are set in January. (8-29-00)T
- 06. Holders Of Nonresident Bear Or Mountain Lion Tags.** Holders of nonresident bear or mountain lion tags may request: (8-29-00)T
- a. A refund of the hunting license and tag fee; or (8-29-00)T
- b. An exchange for a hunting license and tag for the 2001 hunting season. (8-29-00)T
- 07. Hunting A Species Of Wildlife Before Requesting A Refund Or Exchange.** If a person hunts a species of wildlife before requesting a refund or exchange, then the tag or tag/permit fee for that species shall not be refunded or exchanged for the 2001 season. (8-29-00)T
- 08. Hunting Before Requesting An Exchange Or Refund.** If the person hunts before requesting an exchange or refund, or hunts other wildlife during the 2000 season, then the hunting license fee shall not be refunded or exchanged for the 2001 season. (8-29-00)T
- 09. Exchange Requests Must Be For Same Species.** All exchange requests must be the same species. For example, a deer tag will not be exchanged for a moose tag. (8-29-00)T
- 10. Refunds Shall Be For Amount Paid.** All refunds shall be for the amount the person paid for the hunting license or tag. This amount may not be the current fee for that license or tag. (8-29-00)T
- 11. Exchange For A 2001 Season Tag/Permit.** Holders of deer or elk controlled hunt permits who choose to exchange for a 2001 season tag/permit may purchase a general hunt tag and hunt in 2000. The hunting license fee will not be refunded or exchanged for those persons exercising this option. (8-29-00)T

12. Waiting Period For Successful Controlled Hunt Applicants. The waiting period for successful controlled hunt applicants shall not apply to holders of controlled hunt permits who choose a refund or to exchange for 2000 season general hunt tags under this rule. (8-29-00)T

13. Requirements For Requesting Refund Of Exchange. All refund or exchange requests must be made by letter or on a Department approved form, include the original license and tag, and be received by the Department on or before October 1, 2000. The form will be available at Department Headquarters, Regional Offices and the Department's website. The applicant must sign the letter or form and certify their intent to hunt in a closed area and nonuse of the license, tag or tag/permit. (8-29-00)T

603. -- 699. (RESERVED).

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME
13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME
ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is March 13, 2000.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 18, 2000.

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 the required finding and concise statement of the supporting reasons for the proposed rulemaking:

Amend methods of take, hunting boundaries, and controlled hunt descriptions for 2000 seasons. Allow sales of leftover controlled hunt tags, and create the new nonresident deer, bear, or mountain lion tag.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Conferring a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary and proposed rulemaking, contact Lonk Kuck at 334-2920.

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 25, 2000.

DATED this 18th day of August, 2000.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0108-0001

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-1101(a), Idaho Code, to adopt rules concerning the taking of big game animals. (3-13-00)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.08.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho". (3-13-00)T

02. Scope. These rules establish the methods of take, seasons, and possession limits for all big game animals in the state of Idaho. (3-13-00)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(vi), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (3-13-00)T

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission". (3-13-00)T

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (3-13-00)T

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

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (3-13-00)T

006. -- 009. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

200. BAG AND POSSESSION LIMITS.

No person may take more than one (1) deer, elk, antelope, moose, bighorn sheep, mountain goat, or black bear during a calendar year EXCEPT: (7-1-93)

01. Depredation Hunts. In depredation hunts, one (1) additional deer, elk or antelope may be taken by persons holding permit/tags for those hunts, EXCEPT those depredation hunt permittees who were selected for depredation hunts prior to the controlled season for the unit(s) in which they hold a controlled hunt permit must include any animal they harvest within the restrictions imposed by the controlled hunt permit (no person may take more than one (1) animal per year by using depredation and controlled hunt permit). (7-1-93)

02. Extra Tag Hunts. In extra tag hunts, one (1) additional deer, elk or antelope may be taken by persons holding tags for those hunts. (7-1-93)

03. Limits On Take -- Deer, Elk, Antelope. In no event shall any person take more ~~than two (2) deer, elk, or antelope during a calendar year or more than one (1) deer, elk or antelope per day~~ in a calendar year than the number of tags they legally possess for each species. (~~7-1-93~~)(3-13-00)T

04. Limits On Take -- Mountain Lion. No person may take more ~~than two (2)~~ mountain lions; ~~either~~

during a calendar year ~~or between September 15 and March 31~~ than the number of tags they legally possess for mountain lions. ~~(4-5-00)~~(3-13-00)T

05. Limits On Take - Black Bear. No person may take more ~~than two (2)~~ black bears during a calendar year ~~or one (1) black bear per day~~ than the number of tags they legally possess for black bears. ~~(4-5-00)~~(3-13-00)T

(BREAK IN CONTINUITY OF SECTIONS)

250. TAGS AND PERMITS.

No person shall hunt big game animals without having in possession the appropriate hunting license, tags, stamps and permits. (7-1-93)

01. Use Of Tags. (7-1-93)

a. Permit/Tags issued for moose, bighorn sheep, mountain goat and antelope may be used only in the controlled hunt for which the permittee was drawn. (7-1-93)

b. A tag issued for mountain lion after the mountain lion season opens may NOT be used until the second day following its purchase. (3-20-97)

c. A tag issued for black bear after the black bear season opens may NOT be used until the second day following its purchase. (3-20-97)

d. Tags issued for antelope archery hunts may be used only in general archery hunts. (7-1-93)

e. Extra tags issued for deer, elk or antelope may be used only in the hunt area for which the tags are issued. (7-1-93)

f. Any person who purchases a tag to hunt black bear, or archery antelope, who is unsuccessful in killing an animal, and who is subsequently drawn for a controlled hunt permit, including an antelope landowner preference permit, must return the unused tag to a Department office not later than August 10 to exchange the tag for the appropriate controlled hunt tag. The fee for the exchanged tag is the fee for a duplicate tag. (3-20-97)

g. Tags issued for black bear and mountain lion may be used statewide. Extra tags issued for black bear and mountain lion may be used only in the hunt area for which the tags are issued. (4-5-00)

h. Regular tags issued for deer and elk may be used ONLY as follows: (7-1-93)

i. Regular Deer:

TYPE OF TAG	SEASONS
Resident (Type 311)	Any archery, muzzleloader or general deer season. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20.
Resident (Type 330)	Extra Any antlerless deer tag season. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20.
Senior Resident (Type 330)	Any archery, muzzleloader or general deer season. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20.

TYPE OF TAG	SEASONS
S.E. Idaho Area Units 75, 76, 77, and 78 Nonresident	To Hunt Deer in Units 75, 76, 77, and 78 you must have your deer tag validated for use in these units. These tags are limited to one thousand two-hundred (1200) non-resident tags and will be issued first come - first served. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20
Nonresident (Type 411)	Any archery, muzzleloader or general deer season or controlled hunt for which the permittee was drawn, <u>or may be used to tag a black bear or mountain lion during the Regular deer season when the black bear or mountain lion season is open.</u>
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Extra Tag	Only the designated controlled extra tag hunt for which the permittee was drawn.

~~(7-1-99)~~(3-13-00)T

ii. Clearwater Deer.

TYPE OF TAG	SEASONS
Resident Clearwater	To hunt deer in any archery, muzzleloader or general deer season in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region units, and Regular Deer tags are not valid in these units.
Resident Extra Clearwater	To hunt an extra any-antlerless deer tag season in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region units, and Regular Deer tags are not valid in these units.
Senior Resident Clearwater	To hunt deer in any archery, muzzleloader or general deer season in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region units, and Regular Deer tags are not valid in these units.
Nonresident Clearwater	To hunt deer in any archery, muzzleloader or general deer season or controlled hunt for which the permittee was drawn in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region; and <u>may be used to tag a black bear or mountain lion during the Clearwater deer season when the black bear or mountain lion season is open.</u> Regular Deer tags are not valid in these units.

~~(7-1-99)~~(3-13-00)T

iii. Elk A Tag: Validate only for A Tag elk seasons in specific elk zones.

TYPE OF TAG	SEASONS
Resident	Any elk archery, muzzleloader or general season in A Tag elk seasons in specific zones.
Senior Resident	Any elk archery, muzzleloader, or general season in A Tag seasons in specific zones.

TYPE OF TAG	SEASONS
Nonresident	Any elk archery, muzzleloader, or general season in A Tag elk seasons in specific zones, or controlled hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the and Tag permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Extra Tag	Only the designated controlled extra tag hunt for which the permittee was drawn.

(7-1-99)

- iv. Elk B Tag: Validate only for B Tag elk seasons in specific elk zones.

TYPE OF TAG	SEASONS
Resident	Any archery, muzzleloader, or general in B Tag elk seasons in specific zones.
Senior Resident	Any archery, muzzleloader, or general in B Tag elk seasons in specific zones.
Nonresident	Any elk controlled hunt for which the permittee was drawn or any archery, muzzleloader, or general in B Tag elk seasons in specific zones.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Permit and Extra Tag	Only the designated controlled and extra tag hunt for which the permittee was drawn.

(7-1-99)

- v. ~~Elk C Tag: Validate only for C Tag elk seasons in specific elk zones.~~

TYPE OF TAG	SEASONS
Resident	Any archery, muzzleloader, or general in C Tag elk seasons in specific zones.
Senior Resident	Any archery, muzzleloader, or general in C Tag elk seasons in specific zones.
Nonresident	Any elk controlled hunt for which the permittee was drawn or any archery, muzzleloader, or general in C Tag elk seasons in specific zones.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Permit and Extra Tag	Only the designated controlled and extra tag hunt for which the permittee was drawn.

~~(4-5-00)~~

~~vi. Super Tag.~~

TYPE OF TAG	SEASONS
Combination Controlled Hunt Permit and "Super" Tag	Valid for either deer or elk and allows the hunter to hunt in any open and/or controlled hunt for the selected species.

~~(4-5-00)~~

02. Return Of Tags By Unsuccessful Permittees. Permittees who are not successful in killing a bighorn sheep, mountain goat or moose shall present or mail their unused tags to a Department office within ten (10) days after the close of the season for which the tag was valid. Canceled tags will be returned to the hunter upon request. (5-15-95)

03. Archery And Muzzleloader Permits. Any person hunting in an archery only or muzzleloader only season must have the appropriate permit (archery or muzzleloader) for the relevant season validated on their license. (3-20-97)

~~a. Except as noted below, individual archery and muzzleloader permits may be sold only until midnight of October 31st of each year. Sportsman licenses (Type 104) are not subject to this cutoff date. After that time and date, permits may be obtained only from Department offices by persons who: (7-1-98)~~

~~i. Hold a valid controlled hunt permit for archery or muzzleloader hunts, through the final day of the hunt for which they have a permit. (7-1-93)~~

~~ii. Become twelve (12) years of age after the cutoff date. (7-1-93)~~

~~iii. Acquired their six (6) months' residency after the cutoff date. (7-1-93)~~

~~iv. Are Idaho servicemen on leave arriving after the cutoff date. (7-1-93)~~

(BREAK IN CONTINUITY OF SECTIONS)

260. PERMITS FOR CONTROLLED HUNTS.

01. Use Of Controlled Hunt Permits. No person may hunt in any controlled hunt without having a valid controlled hunt permit in possession. (7-1-93)

a. A controlled hunt area with an "X" suffix is an extra tag hunt. (10-26-94)

b. In the event a permit is issued based on erroneous information, the permit will be invalidated by the Department and may NOT be used. The Department will notify the permittee of the invalidation of the permit. The person will remain on the drawn list, and if there is a waiting period in a succeeding year, the person will be required to wait the specified time period. (7-1-93)

c. Any person who receives a controlled hunt permit and tag for deer is prohibited from hunting in any other deer hunt--archery, muzzleloader, or general; EXCEPT the holder of a deer controlled hunt permit and tag may purchase a tag for and hunt in an extra tag hunt, or controlled hunt permit/extra tag hunt for deer. (3-20-97)

d. Any person who receives a combination controlled hunt permit/extra tag for deer may hunt in any other deer hunt--archery, muzzleloader, general or controlled hunt. (7-1-93)

e. Any person who receives a controlled hunt permit for elk is prohibited from hunting in any other elk hunt--archery, muzzleloader, or general; EXCEPT a controlled hunt permit holder may purchase a tag for and hunt in an extra tag hunt for elk. (7-1-93)

f. Any person who receives a combination controlled hunt permit/tag for antelope is prohibited from hunting in any archery antelope hunt. The holder of an antelope combination controlled hunt permit/extra tag may apply for a combination controlled hunt permit/tag for antelope or may purchase a tag for an archery antelope hunt. (7-1-93)

g. Any person who receives a spring controlled hunt permit for black bear is prohibited from hunting in any other spring bear hunt - April 15 to June 30. (7-1-99)

h. Any person who receives a fall controlled hunt permit for black bear is prohibited from hunting in any other fall bear hunts--September 15 to October 31. (10-26-94)

02. Nonresident Permit Limitations. In controlled hunts with ten (10) or fewer permits, not more than one (1) nonresident permit will be issued. In controlled hunts, EXCEPT unlimited controlled hunts, with more than ten (10) permits, not more than ten percent (10%) of the permits will be issued to nonresidents. (7-1-98)

03. Eligibility. Any person possessing a valid Idaho hunting license is eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

a. Holders of a Nongame Hunting License (Type 208) or Two-day (2) Deer License (Type 132) may not apply for any controlled hunt. (10-26-94)

b. Any person whose name was drawn on a controlled hunt for either sub-species of bighorn sheep may not apply for any bighorn permit for two (2) years. Any person whose name was drawn on a controlled hunt for mountain goat may not apply for a mountain goat permit for two (2) years. Any person whose name was drawn on a controlled hunt for moose may not apply for a moose permit for two (2) years. Any person whose name was drawn on a controlled antlered-only deer hunt may NOT apply for any other controlled antlered-only deer hunt for one (1) year. Any person whose name was drawn on a controlled antlered-only elk hunt may NOT apply for any other controlled antlered-only elk hunt for one (1) year. The one (1) year waiting period does NOT apply to controlled hunts with an unlimited number of permits nor Landowner Preference Permits. EXCEPT all successful and unsuccessful deer and elk hunters that comply with all Mandatory Report requirements will be eligible to be randomly drawn for one (1) of ten (10) "Super" controlled deer/elk tags to hunt in any open general and/or controlled deer or elk hunt in the following hunting season. (7-1-99)

c. Any person applying for a bighorn sheep, mountain goat, or moose controlled hunt may NOT apply for any other controlled hunt in the same year EXCEPT Unlimited Controlled Hunts, a controlled black bear hunt, or a designated depredation or extra tag hunt for deer, elk or antelope. In addition, unsuccessful applicants for bighorn sheep, mountain goat or moose controlled hunts are eligible to participate in first-come, first-served deer, elk and antelope controlled hunt permit sales. (10-26-94)

d. Any person who has killed a California bighorn ram, Rocky Mountain bighorn ram or a moose on any controlled hunt may not apply for a permit for the same subspecies, EXCEPT any person who has killed a California bighorn ram south of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a Rocky Mountain bighorn ram permit for any hunt north of Interstate Highway 84. Any person who has killed a Rocky Mountain bighorn ram north of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a California bighorn ram permit for any hunt south of Interstate Highway 84. Auction tag and lottery tag winners are exempt from the once-in-a-lifetime restrictions on killing bighorn sheep of either subspecies. (4-5-00)

e. No person applying for a Rocky Mountain bighorn sheep controlled hunt as a first choice shall apply for a California bighorn sheep controlled hunt as a second choice. No person applying for a California bighorn sheep controlled hunt as a first choice shall apply for a Rocky Mountain bighorn sheep controlled hunt as a second choice. No person shall apply for both a Rocky Mountain and a California bighorn the same year. (7-1-93)

- f. Any person who kills a bighorn ewe may not apply for another bighorn ewe controlled hunt permit for five (5) years. The harvest of a bighorn ewe does not make the permittee ineligible to apply for a permit to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe may not apply for any bighorn ram the same year. (7-1-93)
- g. Any person who has killed a mountain goat since 1977 may not apply for a mountain goat permit. (7-1-93)
- h. Any person who has killed a moose in Idaho may not apply for a moose permit. (4-5-00)
- i. Any person holding a Nonresident Hunting License (Type 202) or a duplicate thereof may not apply for a moose permit. (7-1-93)
- j. Any person applying for a landowner permission hunt must have a signed permission slip from a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area. The permission slip must have the landowner's name and address on it along with the landowner's signature. (7-1-98)
- k. Any person may apply for both a controlled hunt permit/tag and a controlled hunt permit/extra tag. (7-1-93)
- l. Nonresident hound hunters applying for controlled black bear hunts must first obtain a Hound Hunter Permit pursuant to IDAPA 13.01.15.200.04, "Rules Governing the Use of Dogs". (7-1-99)

04. Applications. Individual applications or group applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than the annual dates shown below. Any individual application or group application which is unreadable, has incomplete or incorrect hunt or license numbers, or which lacks the required information or fee will be declared void and will not be entered in the drawing. All applications will be considered final; they may not be resubmitted after correction. (10-26-94)

- a. Moose, bighorn sheep, and mountain goat - April 30. (7-1-93)
- b. Deer, elk, antelope and fall black bear - May 31. (3-20-97)
- c. Spring black bear - February 16. (3-20-97)

05. Applicant Requirements. Applicants must comply with the following requirements: (7-1-93)

- a. Only one (1) application, per person or group, will be accepted for the same species, EXCEPT a person or group may submit one additional application for a controlled hunt permit/extra tag for the same species. Additional applications for the same person or group for the same species will result in all applicants being declared ineligible. (10-26-94)
- b. Only one (1) controlled hunt permit/extra tag will be issued for each person on any application submitted. (10-26-94)
- c. Several applications may be submitted in a single envelope so long as each application is for a single species, a single applicant or group, and both hunts on an application must be controlled hunt permit/tag hunts or controlled hunt permit/extra tag hunts. (10-26-94)
- d. Fees must be submitted with each application. A single payment (either cashier's check, money order, certified check, or a personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. The application fee is five dollars (\$5) per person per hunt, for deer, elk, antelope, moose, bighorn sheep, mountain goat, black bear, and lion, applied for and is NOT refundable. The tag fees are not to be submitted with either the telephone or mail-in-application for deer, elk, antelope, black bear, or mountain lion. Persons applying for moose, bighorn sheep, or mountain goat controlled hunts must submit the tag fee and application fee with their application.

Applicants successful in drawing for a moose, bighorn sheep, or mountain goat will receive a permit tag in the mail. (7-1-98)

e. Any controlled hunt permits ~~for deer, elk, antelope or black bear~~, EXCEPT unlimited controlled hunts that remain unsold after the controlled hunt drawings may be sold forty five (45) days following the close of each respective controlled hunt drawing by any Point-of-Sale vendor ~~or~~ on a first-come, first-served basis. A controlled hunt permit and tag will be issued to successful applicants. The ten percent (10%) nonresident limitation shall not apply. Applicants with a tag already in possession must return their tag to a Department office to be exchanged for the appropriate controlled hunt tag. The fee for the exchanged tag is the fee for a duplicate tag. ~~Applications for leftover controlled hunt permits will be accepted at Department offices Point-of-Sale vendor on or after the following dates:~~ (3-20-97)(3-13-00)T

i. ~~Spring black bear—March 22.~~ (3-20-97)

ii. ~~Deer, elk, antelope or fall black bear—July 15.~~ (3-20-97)

f. A “group application” for deer, elk, and antelope is defined as two, three, or four (2, 3, or 4) hunters applying for the same controlled hunt on the same application. All hunters must comply with all rules and complete applications properly. All applicants must abide by the same first and second hunt choices. (10-26-94)

g. A “group application” for moose, bighorn sheep, mountain goat, and black bear is defined as two (2) hunters applying for the same controlled hunt on the same application. Both hunters must comply with all rules and complete applications properly. Both applicants must abide by the same first and second hunt choices. (10-26-94)

h. If a group application exceeds the number of permits available in a hunt that group application will not be selected for that hunt. (7-1-98)

i. Landowner permission hunt permits will be sold first-come, first-served basis at the Nampa, McCall and Headquarters offices of the Idaho Department of Fish and Game after July 15. (7-1-98)

06. Refunds Of Controlled Hunt Fees. (7-1-93)

a. Controlled hunt tag fees will be refunded to the unsuccessful or ineligible applicants for moose, sheep, and mountain goat. Unsuccessful applicants may donate all or a portion of their tag fee for moose, bighorn sheep, and mountain goat to Citizens Against Poaching by checking the appropriate box on the application. One dollar (\$1) of the non-refundable application fee will go to Citizens Against Poaching unless the applicant instructs otherwise. (3-20-97)

b. Fees for hunting licenses will NOT be refunded to unsuccessful or ineligible applicants. (10-26-94)

c. Fees for deer or elk tags purchased prior to the drawing will NOT be refunded to unsuccessful or ineligible applicants. (10-26-94)

d. Overpayment of fees of more than five dollars (\$5) will be refunded. Overpayment of five dollars (\$5) or less will NOT be refunded and will be retained by the Department. (7-1-93)

07. Controlled Hunt Drawing. 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. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

410. UNLAWFUL METHODS OF TAKE.

No person shall take big game animals as outlined in this section. (7-1-93)

01. Firearms. (7-1-93)

a. With any firearm that, in combination with a scope, sling, and/or any other attachments, weighs more than sixteen (16) pounds. (7-1-93)

b. With any shotgun using any shot smaller than double-aught (#00) buck. (7-1-93)

c. With any rimfire rifle, rimfire handgun or any muzzleloading handgun, EXCEPT for mountain lion. (7-1-93)

d. With a fully automatic firearm. (10-26-94)

e. With any electronic device attached to, or incorporated in, the firearm (including handguns and shotguns) or scope. (3-13-00)T

02. Bows, Crossbows, Arrows, Bolts, Chemicals Or Explosives. (3-20-97)

a. With arrows or bolts having broadheads measuring less than seven-eighths (7/8) inch in width and having a primary cutting edge less than fifteenth-thousandths (0.015) inch thick. (7-1-93)

b. With any bow having a peak draw weight of less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of less than one hundred-fifty (150) pounds. (3-20-97)

c. With any chemicals or explosives attached to the arrow or bolt. (7-1-93)

d. With arrows or bolts having expanding broadheads. (7-1-93)

e. With arrows or bolts having barbed broadheads. A barbed broadhead is a broadhead which has any portion of the rear edge of the broadhead forming an angle less than ninety (90) degrees with the shaft or ferrule. (7-1-93)

f. With any electronic or tritium-powered device attached to, or incorporated into, an arrow, bolt, crossbow, or bow. (~~3-20-97~~)(3-13-00)T

g. With any bow capable of shooting more than one (1) arrow at a time. (7-1-93)

h. With any compound bow with more than sixty-five percent (65%) let-off. (7-1-93)

i. With an arrow and broadhead, or bolt and broadhead, with a combined total weight of less than four hundred (400) grains. (3-20-97)

j. With an arrow less than twelve (12) inches from the broadhead to the nock inclusive. (3-13-00)T

k. With an arrow wherein the broadhead does not proceed the shaft and nock. (3-13-00)T

l. During an ARCHERY ONLY season, with any firearm, crossbow (except disabled archers), or other implement other than a longbow, compound bow, or recurve bow, or: (3-20-97)

i. With any device attached that holds a bow at partial or full draw. (7-1-93)

ii. With any bow or crossbow equipped with magnifying sights. (3-20-97)

m. With any crossbow pistol. (3-20-97)

- 03. Muzzleloaders.** (7-1-93)
- a. With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, antelope, or mountain lion, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-93)
- b. With any electronic device attached to, or incorporated in, the muzzleloader. (3-13-00)T
- ~~b.c.~~ During a MUZZLELOADER ONLY season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which: (7-1-93)
- i. Is at least forty-five (.45) caliber for deer, antelope or mountain lion or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (7-1-93)
- ii. Is capable of being loaded only from the muzzle. (7-1-93)
- iii. Is equipped only with open or peep sights. (7-1-93)
- iv. Is loaded only with black powder or, Pyrodex or other synthetic black powder. (3-20-97)
- v. Is equipped with no more than two (2) barrels. (7-1-93)
- vi. Is loaded only with a projectile of at least four hundred twenty-eight (.428) caliber. (3-20-97)
- vii. Is equipped only with flint or percussion cap. (3-20-97)
- 04. Short-Range Weapon.** During Short-Range Weapon ONLY seasons ONLY the following weapons may be used: (7-1-99)
- a. With any shotgun using any slug or double-aught (#00) or larger buckshot. (7-1-99)
- b. With any muzzleloader that is at least forty-five (0.45) caliber for deer, antelope, or mountain lion or at least fifty (0.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-99)
- c. With any bow having a peak draw weight of not less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of not less than one hundred fifty (150) pounds. (7-1-99)
- 05. Other.** (7-1-93)
- a. With electronic calls. (7-1-93)
- b. With any bait (~~EXCEPT for black bear~~) other than liquid scent including grain, salt in any form (liquid or solid), or any other substance (not to include liquid scent) to constitute an attraction or enticement, with the exception of applicable rules for the black bear baiting permit. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.17, "Rules Governing the Use of Bait for Taking Big Game Animals". ~~(7-1-93)~~(3-13-00)T
- c. With dogs, EXCEPT for mountain lion or black bear. See Rules of the Idaho Fish and Game Commission, IDAPA 13.01.15, "Rules Governing the Use of Dogs". (7-1-93)
- d. With any net, snare, trap, chemical, deadfall or device other than legal firearm, archery or muzzleloader equipment. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

~~421. MANDATORY DEER AND ELK REPORT REQUIREMENTS.~~

~~01. **Mandatory Report Form.** After a deer and/or elk is killed the hunter must accurately complete a Mandatory Report as provided by the Director. (4-5-00)~~

~~02. **Mandatory Report.** Any hunter that obtains a deer and/or elk tag and kills a deer and/or elk must submit a completed Mandatory Report to the Department or authorized agent, WITHIN TEN (10) DAYS OF KILL any hunter that obtains a deer and/or elk tag and does not successfully kill a deer and/or elk must submit a completed Mandatory Report Form to the Department or authorized agent WITHIN TEN (10) DAYS OF THE CLOSING DATE OF THE APPROPRIATE SEASON. (7-1-99)~~

~~03. **Failure To Report.** Failure to submit the required deer and/or elk Mandatory Report by January 31 of the following year as required in Subsection 421.02 will render the hunter ineligible to obtain any subsequent year's license until a Mandatory Report is filed with the Department or authorized agent. (7-1-99)~~

~~04. **Drawing For "Super" Tag.** All successful and unsuccessful deer and elk hunters that comply with all Mandatory Report requirements will be eligible to be randomly drawn for one (1) of ten (10) "Super" controlled deer/elk tags. Each hunter drawn for a "Super" controlled deer/elk hunt must notify the Department by May 1 of which species they have selected to hunt. The "Super" controlled hunt tag is valid for the selected species and allows the hunter to hunt in any open general and/or controlled hunt for the selected species in the following season. (4-5-00)~~

422~~1~~. -- 499. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

600. GAME MANAGEMENT UNIT BOUNDARY DESCRIPTIONS.

01. **Unit 1.** All of BOUNDARY COUNTY and that portion of BONNER COUNTY north of the Pend Oreille River, Pend Oreille Lake and Clark Fork River. MYRTLE CREEK AND DAVID THOMPSON GAME PRESERVES - CLOSED. (7-1-93)

02. **Unit 2.** Those portions of BONNER and KOOTENAI COUNTIES within the following boundary: beginning at the intersection of the Idaho-Washington State line and the north bank of the Pend Oreille River, then east along the Pend Oreille River to Pend Oreille Lake at the railroad trestle in the southeast corner of the City of Sandpoint, then south across the railroad trestle, then east and south along the western shore line of Pend Oreille Lake to the south boundary fence of Farragut State Park, then west along the boundary fence to State Highway 54 at the west entrance to Farragut State Park, then west on State Highway 54 to U.S. 95, then south on U.S. 95 to Lake Coeur d'Alene at the source of the Spokane River, then west along the southern bank of the Spokane River to the Idaho-Washington State line, then north along the state line to the point of beginning. FARRAGUT STATE PARK, CLOSED EXCEPT TO ARCHERY. (7-1-93)

03. **Unit 3.** Those portions of KOOTENAI, SHOSHONE, and BENEWAH COUNTIES within the following boundary: beginning at Mission Point on the St. Joe River and State Highway 3, then northeast on State Highway 3 to Interstate 90, then east on Interstate 90 to Kingston, then north on Forest Highway 9 (North Fork of the Coeur d'Alene River Road) to Forest Service Road 209 (Little North Fork of the Coeur d'Alene River Road), then northwest along Forest Service Road 209 to the watershed divide between the Coeur d'Alene River and Pend Oreille Lake, then northwest along the divide to Bernard Peak, then north to Steamboat Rock on Pend Oreille Lake, then west along the lake shore to the south boundary fence of Farragut State Park, then west along the boundary fence to State Highway 54 at the west entrance of Farragut State Park, then west on State Highway 54 to U.S. 95, then south on U.S. 95 to Coeur d'Alene Lake, then southeast along the eastern shore line of Coeur d'Alene and Round Lakes to Mission Point, the point of beginning. (3-20-97)

04. Unit 4. Those portions of BONNER, KOOTENAI, and SHOSHONE COUNTIES within the following boundary: beginning on the Idaho-Montana State line at the watershed divide between Pend Oreille Lake and the Coeur d'Alene River, then southeast along the state line to the watershed divide between the Coeur d'Alene and St. Joe Rivers, then west along the divide to State Highway 3, then northeast on State Highway 3 to Interstate 90, then east on Interstate 90 to Kingston, then north on Forest Highway 9 (North Fork of the Coeur d'Alene River Road) to Forest Service Road 209 (Little North Fork of the Coeur d'Alene River Road), then northwest along Forest Service Road 209 to the watershed divide between the Coeur d'Alene River and Pend Oreille Lake, then northeast along the divide to the point of beginning. (3-20-97)

05. Unit 4A. Those portions of BONNER and KOOTENAI COUNTIES within the following boundary: beginning on the Idaho-Montana State line at the watershed divide between Pend Oreille Lake and the Coeur d'Alene River, then southwest along the divide to Bernard Peak, then north to Steamboat Rock on Pend Oreille Lake, then northwest along the western shoreline of Pend Oreille Lake to the railroad trestle approximately one (1) mile south of Sandpoint, then north on the railroad trestle to Sandpoint, then east along the north banks of Pend Oreille Lake and the Clark Fork River to the Idaho-Montana State line, then south on the state line to the point of beginning. (7-1-93)

06. Unit 5. Those portions of BENEWAH and KOOTENAI COUNTIES within the following boundary: beginning at the intersection of the Idaho-Washington State line and the Spokane River, then east along the southern bank of the Spokane River to U.S. 95 at Coeur d'Alene Lake, then southeast along the eastern shore line of Coeur d'Alene and Round Lakes to Mission Point, then upstream along the northern bank of the St. Joe River to the mouth of St. Maries River, then upstream along the St. Maries River to the intersection of the St. Maries River and State Highway 3 near Washburn, then south on State Highway 3 to the intersection of State Highway 6, then west on State Highway 6 to the watershed divide between the St. Maries and Palouse Rivers, then northwest along the divide to West Dennis Peak, then west along the watershed divide between Hangman Creek and Palouse River to the Idaho-Washington State line, then north along the state line to the Spokane River, the point of beginning. HEYBURN STATE PARK-CLOSED. (7-1-93)

07. Unit 6. Those portions of KOOTENAI, SHOSHONE, BENEWAH, CLEARWATER, and LATAH COUNTIES within the following boundary: beginning at St. Maries, then downstream along the northern bank of the St. Joe River to Mission Point on State Highway 3, then north on State Highway 3 to the watershed divide between the St. Joe and Coeur d'Alene Rivers, then east along the divide to the Moon Pass Road, then south on Moon Pass Road to Avery, then west on the St. Joe River Road to the Fishhook Creek Road (Forest Service Road 301), then south on Fishhook Creek Road to Breezy Saddle, then southwest on Forest Service Road 301 to White Rock Springs, then south along the watershed divide between the St. Maries River and Little North Fork of the Clearwater River over Stony Butte to Hemlock Butte, then northwest along the St. Maries River-Potlatch River watershed divide across Bald Mountain to State Highway 6, then northeast on State Highway 6 to the intersection of State Highway 3, then north on State Highway 3 to the St. Maries River, then downstream to St. Maries, the point of beginning. (7-1-93)

08. Unit 7. That portion of SHOSHONE COUNTY within the following boundary: beginning on the Idaho-Montana State line at the watershed divide between the St. Joe and Coeur d'Alene Rivers, then west along the divide to the Moon Pass Road, then south on Moon Pass Road to Avery, then west on the St. Joe River Road to the Fishhook Creek Road (Forest Service Road 301), then south on the Fishhook Creek Road to Forest Service Road 201, then east on Forest Service Road 201 to Bluff Creek Saddle (Dismal Saddle), then southeast past Dismal Lake and Bathtub Springs to the watershed divide between the St. Joe and North Fork of the Clearwater Rivers, then east along the divide to the Idaho-Montana State line, then north along the state line to the point of beginning. (7-1-93)

09. Unit 8. Those portions of LATAH, NEZ PERCE, and CLEARWATER COUNTIES within the following boundary: Beginning on the Idaho-Washington state line at the watershed divide between Hangman Creek and Palouse River, south along the divide to U.S. 95, then south along U.S. 95 to State Highway 6, then east along State Highway 6 to State Highway 9, then southeast along State Highway 9 to Deary, then south on State Highway 3 to Kendrick, then southeast along County Road P-1 through Southwick and Cavendish to the North Fork of the Clearwater River at Ahsahka, then downstream along the North Fork of the Clearwater River to its junction with the main Clearwater River, then down the main Clearwater River to the Idaho-Washington state line, then north to the point of beginning. (7-1-98)

10. Unit 8A. Those portions of BENEWAH, LATAH, CLEARWATER, and NEZ PERCE COUNTIES within the following boundary: Beginning at Ahsahka on County Road P-1, then northwest along County Road P-1 through Southwick and Cavendish to State Highway 3, then northeast along State Highway 3 to Deary, then northwest along State Highway 9 to State Highway 6, then west along State Highway 6 to U.S. 95, then north along U.S. 95 to the watershed divide between Hangman Creek and Palouse River, then southeast along the divide to West Dennis Mountain, then southeast along the St. Maries watershed divide to Hemlock Butte, then south on Elk Creek Road (Forest Service Road 382.4) to Elk River, then south on the Dent Bridge-Elk River Road to the south shoreline of Dworshak Reservoir, then along the southern shoreline to Dworshak Dam, then downstream to the main Clearwater River, then downstream along the North Fork of the Clearwater River (including islands) to Ahsahka, the point of beginning. (4-5-00)

11. Unit 9. Those portions of SHOSHONE and CLEARWATER COUNTIES within the following boundary: beginning at Getaway Point, then due south to the Little North Fork of the Clearwater River, then upstream to the watershed divide between Bear and Devils Club Creeks, then east along the divide to Larkins Peak, then northeast along the watershed divide between the Little North Fork of the Clearwater River and the North Fork of the Clearwater River to the Surveyors Ridge-Bathtub Springs Road (Forest Service Road 201), then northwest on Surveyors Ridge-Bathtub Springs Road past Bathtub Springs and Bluff Creek Saddle (Dismal Saddle), to the Fishhook Creek Road (Forest Service Road 301), then south on Fishhook Creek Road to Breezy Saddle, then southwest on Fishhook Creek Road to the Goat Mountain-Getaway Point Road, then southeast on the Goat Mountain-Getaway Point Road to Getaway Point, the point of beginning. (7-1-93)

12. Unit 10. Those portions of SHOSHONE, CLEARWATER, and IDAHO COUNTIES within the following boundary: beginning at the confluence of the Little North Fork and the North Fork of the Clearwater Rivers at the upstream end of Dworshak Reservoir, then up the east bank of the reservoir and the Little North Fork of the Clearwater River to the watershed divide between Bear and Devils Club Creeks, then east along the divide to the watershed divide between the Little North Fork and the North Fork of the Clearwater Rivers, then east along the divide to the watershed divide between the North Fork of the Clearwater and the St. Joe Rivers, then east along the divide to the Idaho-Montana State line, then south along the state line to the divide between the North Fork of the Clearwater and the Lochsa Rivers, then west along the divide over Williams Peak to its intersection with the Lolo Motor Way (Forest Service Road 500), then west on Lolo Motor Way to its intersection with the Hemlock Butte Road (Forest Service Road 104), then northwest on Hemlock Butte Road to Hemlock Butte and the watershed divide between Weitas and Orogrande Creeks, then north along the divide to Cabin Point then northwest along Forest Service Trail 17 to the North Fork Clearwater River then downstream along the North Fork of the Clearwater River and the north bank of Dworshak Reservoir to the mouth of the Little North Fork of the Clearwater River, the point of beginning. (7-1-93)

13. Unit 10A. Those portions of SHOSHONE, IDAHO and CLEARWATER COUNTIES within the following boundary: beginning at the mouth of the North Fork of the Clearwater River, upstream to Dworshak Dam, then up Dworshak Reservoir along the southern shoreline to Dent Bridge, then north on the Elk River Road to Elk River, then north on the Elk Creek Road (Forest Service Road 382) to Hemlock Butte, then north along the watershed divide between the St. Maries and Little North Fork of the Clearwater Rivers over Stony Butte to White Rock Springs, then east on the Gold Center-Roundtop Road (Forest Service Road 301) to the Goat Mountain-Getaway Point Road (Forest Service Roads 457 and 220), then south along Goat Mountain-Getaway Point Road to Getaway Point, then due south to the Little North Fork of the Clearwater River, then downstream to Dworshak Reservoir, then along the east bank of the reservoir to the North Fork of the Clearwater River, then east along the north bank of the reservoir and the North Fork of the Clearwater River, to Forest Service Trail 17, then south along Forest Service Trail 17 to Cabin Point and the watershed divide between Orogrande and Weitas Creeks, then south along the divide to Hemlock Butte and its intersection with Forest Service Road 104, then southeast on Forest Service Road 104 to Lolo Motor Way (Forest Service Road 500), then south along Lolo Motor Way to Smith Creek Road (Forest Service Road 101), then southwest along Smith Creek Road to the Middle Fork of the Clearwater River, then northwest along the Middle Fork of the Clearwater River to the mouth of the North Fork of the Clearwater River, the point of beginning. (10-26-94)

14. Unit 11. Those portions of NEZ PERCE, LEWIS, and IDAHO COUNTIES within the following boundary: beginning at the mouth of the Clearwater River, upstream to U.S. 95 bridge near Spalding, then southeast on U.S. 95 to the Graves Creek Road at Cottonwood, then south on Graves Creek Road to the Salmon River, then downstream to the Snake River, then downstream to the mouth of the Clearwater River, the point of beginning.

(7-1-93)

15. Unit 11A. Those portions of CLEARWATER, NEZ PERCE, LEWIS, and IDAHO COUNTIES within the following boundary: beginning on the Clearwater River at the U.S. 95 bridge near Spalding, upstream (excluding islands) to the South Fork of the Clearwater River, then up the South Fork to Harpster Bridge, then southwest on State Highway 13 to U.S. 95 at Grangeville, then northwest on U.S. 95 to Spalding, the point of beginning. NEZ PERCE NATIONAL HISTORICAL PARK-CLOSED. (4-5-00)

16. Unit 12. Those portions of IDAHO and CLEARWATER COUNTIES within the following boundary: beginning at the junction of the Smith Creek Road (Forest Service Road 101) and the Middle Fork of the Clearwater River, then northeast on the Smith Creek Road to the Lolo Motor Way (Forest Service Road 500), then north along the Lolo Motor Way to the point where it leaves the watershed divide between the North Fork of the Clearwater and Lochsa Rivers at the heads of Papoose Creek and Cayuse Creek, then north along the divide over Williams Peak to the Idaho-Montana State line, then southeast along the state line to the watershed divide between the Lochsa and Selway Rivers, then west along the divide over Diablo Mountain, Elk Summit, McConnell Mountain and Fenn Mountain to the confluence of the Lochsa and Selway Rivers, then down the Middle Fork of the Clearwater River to the Smith Creek Road, the point of beginning. (4-25-94)

17. Unit 13. That portion of IDAHO COUNTY bounded by the Snake River on the west, the Salmon River on the east and north and the White Bird-Pittsburg Landing Road on the south. (7-1-93)

18. Unit 14. That portion of IDAHO COUNTY within the following boundary: beginning at Riggins on the Salmon River, then upstream to Wind River, then up Wind River to Anchor Creek, then up Anchor Creek to Anchor Meadows, then northeast along the old wagon road (Forest Service Trail 313) to the divide between the Salmon River and South Fork Clearwater River, then west on the divide to Square Mountain, then west on the Square Mountain-Gospel Hill Road (Forest Service Road 444) to the Grangeville-Salmon River Road (Forest Service Road 221), then north on Grangeville-Salmon River Road to State Highway 13 at Grangeville, then west on Highway 13 to U.S. 95, then northwest on U.S. 95 to Cottonwood, then south on the Graves Creek Road to the Salmon River, then upstream to Riggins, the point of beginning. NEZ PERCE NATIONAL HISTORICAL PARK-CLOSED. (10-26-94)

19. Unit 15. That portion of IDAHO COUNTY within the following boundary: beginning at Grangeville on State Highway 13, then northeast on State Highway 13 to the South Fork of the Clearwater River, then downstream to the road that goes up Sally Ann Creek, then up the road to the town of Clearwater, then southeast along Forest Service Road 284 to Forest Service Road 464, then east along Forest Service Road 464 to the watershed divide between the South Fork Clearwater and Selway Rivers, then southeast along the divide over Forest Service Trail 835 to Anderson Butte, then south over Forest Service Trail 505 to Black Hawk Mountain and Soda Creek Point to the Montana Road (Forest Service Road 468), then west on Montana Road to the Red River Ranger Station-Mackay Bar Road (Forest Service Road 222.3), then southwest on Red River Ranger Station-Mackay Bar Road to Dixie Summit, then west along the watershed divide between the South Fork Clearwater and Salmon Rivers over the Crooked River-Big Creek Divide, Orogrande Summit and Square Mountain to the Moores Guard Station-Adams Ranger Station Road (Forest Service Road 444), then west on Moores Guard Station-Adams Ranger Station Road to the Grangeville-Salmon River Road (Forest Service Road 221), then north on Grangeville-Salmon River Road to Grangeville, the point of beginning. (7-1-93)

20. Unit 16. That portion of IDAHO COUNTY within the following boundary: beginning at the mouth of the Middle Fork of the Clearwater River, then upstream to the confluence of the Lochsa and Selway Rivers, then east along the watershed divide between the Lochsa and Selway Rivers to the watershed divide between Gedney and Three Links Creeks, then south along the divide to Big Fog Mountain, then along Forest Service Trail 343 to Big Fog Saddle, then south along the Fog Mountain Road (Forest Service Road 319) to the Selway River, then upstream to Meadow Creek, then up the Meadow Creek-Falls Point Road (Forest Service Road 443) to Forest Service Road 464, then west along Forest Service Road 464 to Forest Service Road 284, then along Forest Service Road 284 to the town of Clearwater, then west along the road down Sally Ann Creek to State Highway 13, then downstream on the South Fork of the Clearwater River to the Middle Fork of the Clearwater River, the point of beginning. (7-1-93)

21. Unit 16A. That portion of IDAHO COUNTY within the following boundary: beginning at the mouth of Meadow Creek on the Selway River, up the Selway River to Mink Creek, then up the divide between Mink Creek and the drainages of Coyote, Wolf, Jims, and Otter Creeks, over Wolf Point and Highline Ridge to the divide

between Meadow Creek and the Selway River, then southeast along the divide over Bilk Mountain and Elk Mountain to the Elk Mountain Road, then southwest on the Elk Mountain-Green Mountain-Montana Road to the watershed divide between the South Fork of the Clearwater River and the Selway River (near Mountain Meadows), then northeast along the divide over Soda Creek Point and around the head of Red River, then northwest along the divide over Black Hawk Mountain to Anderson Butte, then from Anderson Butte northwest on Forest Service Trail 835 to the Falls Point Road (Forest Service Road 443), then northeast on Falls Point Road to the mouth of Meadow Creek, the point of beginning. (7-1-93)

22. Unit 17. That portion of IDAHO COUNTY within the following boundary: beginning at the Fog Mountain Road (Forest Service Road 319) on the Selway River, then north along Fog Mountain Road to Big Fog Saddle, then north along Forest Service Trail 343 to Big Fog Mountain, then north along the watershed divide between Gedney and Three Links Creeks to the watershed divide between the Lochsa and Selway Rivers, then northeast along the divide over McConnell Mountain and Diablo Mountain to the Idaho-Montana State line, then south along the state line to the watershed divide between the Selway and Salmon Rivers, then west along the divide over Square Top, Waugh Mountain, Salmon Mountain, Burnt Knob and Three Prong Mountain to the Green Mountain-Elk Mountain Road, then north along Green Mountain-Elk Mountain Road to Elk Mountain, then along the watershed divide between the Selway River and Meadow Creek over Elk Mountain and Bilk Mountain to the head of Mink Creek, then down the divide between Mink Creek and the drainages of Otter, Jims, Wolf and Coyote Creeks over Highline Ridge and Wolf Point to the confluence of Three Links Creek with the Selway River, then down the Selway River to the Fog Mountain Road, the point of beginning. (7-1-93)

23. Unit 18. Those portions of IDAHO and ADAMS COUNTIES within the following boundary: beginning at Riggins, up the Little Salmon River to Rapid River, then up Rapid River to and including the Shingle Creek drainage to the Snake River divide, then south along the divide to Purgatory Saddle at the head of Granite Creek, then down Granite Creek to the Snake River, then downstream to Pittsburg Landing, then east on the Pittsburg Landing-White Bird Road to the Salmon River, then upstream to Riggins, the point of beginning. (4-25-94)

24. Unit 19. That portion of IDAHO COUNTY within the following boundary: beginning on the Salmon River at the mouth of Wind River, then up Wind River to Anchor Creek, then up Anchor Creek to Anchor Meadows, then northeast along the old wagon road (Forest Service Trail 313) to the divide between the Salmon River and South Fork Clearwater River, then east on the divide over Orogrande Summit and the Crooked River-Big Creek divide to Dixie Summit on the Red River Ranger Station-Dixie-Mackay Bar Road, then south on Red River Ranger Station-Dixie-Mackay Bar Road to Mackay Bar, then down the Salmon River to the mouth of Wind River, the point of beginning. (7-1-93)

25. Unit 19A. Those portions of IDAHO and VALLEY COUNTIES within the drainage of the south side of the Salmon River from the French Creek-Burgdorf-Summit Creek Road upstream to the South Fork of the Salmon River, the drainage of the west side of the South Fork of the Salmon River from its mouth upstream to and including the Bear Creek watershed, and the drainage of the Secesh River upstream from the mouth of Paradise Creek (including the Paradise Creek watershed), EXCEPT those portions of the French Creek, Lake Creek and Summit Creek drainages west of the French Creek-Burgdorf-Summit Creek Road. (7-1-93)

26. Unit 20. That portion of IDAHO COUNTY within the following boundary: beginning at the mouth of the South Fork of the Salmon River, then north along the Mackay Bar-Red River Ranger Station Road (Forest Service Road 222.3) to the Montana Road, then east along Montana Road to the Green Mountain-Elk Mountain Road, then northeast along Green Mountain-Elk Mountain Road to the watershed divide between the Selway and Salmon Rivers around the head of Bargamin Creek, then southeast along the divide over Three Prong Mountain, Burnt Knob, Salmon Mountain and Waugh Mountain, then south down Waugh Ridge to the Salmon River, then downstream to the South Fork of the Salmon River, the point of beginning. (7-1-93)

27. Unit 20A. Those portions of IDAHO and VALLEY COUNTIES within the drainage of the south side of the Salmon River from the mouth of the South Fork of the Salmon River upstream to the mouth of the Middle Fork of the Salmon River; the drainage of the east side of the South Fork of the Salmon River from its mouth upstream to and including Hall Creek drainage, and the drainage of the west side of the Middle Fork of the Salmon River from its mouth upstream to but excluding the Big Creek drainage. (7-1-31)

28. Unit 21. That portion of LEMHI COUNTY within the following boundary: beginning at the Idaho-

Montana State line on U.S. 93, then west along the state line to the Idaho-Lemhi County line, then southwest along the Idaho-Lemhi County line to the Salmon River, then upstream to the town of North Fork, then north on U.S. 93 to the Idaho-Montana State line, the point of beginning. (7-1-93)

29. Unit 21A. That portion of LEMHI COUNTY within the drainage of the east side of the Salmon River downstream from and including the Carmen Creek drainage to the town of North Fork, and that portion of the North Fork of the Salmon River drainage east of U.S. 93 between the town of North Fork and the Idaho-Montana State line. (7-1-93)

30. Unit 22. Those portions of IDAHO, ADAMS, and WASHINGTON COUNTIES within the following boundary: beginning at the mouth of Granite Creek on the Snake River, then up Granite Creek to Purgatory Saddle located on the watershed divide between Rapid River and Snake River, then south along the divide to Lick Creek Lookout, then along the watershed divide between Boulder Creek and the Weiser River to the watershed divide between Mud Creek and the Weiser River, then south along the divide to U.S. 95, then southwest on U.S. 95 to Cambridge, then northwest on State Highway 71 to Brownlee Dam, then down the Snake River to Granite Creek, the point of beginning. (7-1-93)

31. Unit 23. Those portions of IDAHO, ADAMS, and VALLEY COUNTIES within the drainage of the south side of the Salmon River from its confluence with the Little Salmon River upstream to the French Creek-Burgdorf-Summit Creek Road; those portions of the French Creek, Lake Creek and Summit Creek drainages west of the French Creek-Burgdorf-Summit Creek Road; and within the Little Salmon River drainage, EXCEPT that portion on the north side of Rapid River from the mouth upstream to and including Shingle Creek drainage. (7-1-93)

32. Unit 24. That portion of VALLEY COUNTY within the drainage of the North Fork of the Payette River, EXCEPT that portion south of the Smiths Ferry Bridge-Packer John Road on the east side of the river and south of the Smith Ferry-High Valley Road on the west side of the river. (7-1-93)

33. Unit 25. That portion of VALLEY COUNTY within the drainage of the South Fork of the Salmon River south of the Hall Creek drainage on the east side of the river, and south of the Bear Creek drainage on the west side of the river, EXCEPT that portion of the Secesh River drainage upstream from and including Paradise Creek drainage. (7-1-93)

34. Unit 26. Those portions of IDAHO and VALLEY COUNTIES within the drainage of Big Creek (tributary to the Middle Fork of the Salmon River). (7-1-93)

35. Unit 27. Those portions of LEMHI, VALLEY, and CUSTER COUNTIES within the drainage of the Middle Fork of the Salmon River as follows: the drainages on the east side of the Middle Fork Salmon River from its mouth upstream to Camas Creek; the drainages on the north side of Camas Creek from its mouth upstream to, but excluding, the Yellowjacket Creek drainage; the drainages on the south side of Camas Creek and south of the Camas Creek Trail (Forest Service Trail 134); the drainages on the east side of the Middle Fork Salmon River from Camas Creek upstream to, but excluding, the Marsh Creek drainage; and the drainages on the west side of the Middle Fork of the Salmon River upstream from, but excluding, the Big Creek drainage to, but excluding, the Sulphur Creek drainage. (7-1-93)

36. Unit 28. That portion of LEMHI COUNTY within the drainage of the Salmon River south and west of the river from the mouth of the Middle Fork of the Salmon River upstream to, but excluding, the Ellis Creek and Morgan Creek drainages to the Custer County line, and that portion of the north side of Camas Creek and north of the Camas Creek Trail (Forest Service Trail 134) upstream from and including the Yellowjacket Creek drainage. (7-1-93)

37. Unit 29. That portion of LEMHI COUNTY within the Lemhi River drainage south and west of State Highway 28 and that portion of the Salmon River drainage east of the Salmon River from the Salmon River bridge in the City of Salmon upstream to and including the Poison Creek drainage. (7-1-93)

38. Unit 30. That portion of LEMHI COUNTY within the Lemhi River drainage north and east of State Highway 28 and north and west of State Highway 29 and that portion of the Salmon River drainage east of the Salmon River from the U.S. 93 bridge in the City of Salmon downstream to, but excluding, the Carmen Creek

drainage. (7-1-93)

39. Unit 30A. That portion of LEMHI COUNTY within the Lemhi River Drainage north and east of State Highway 28 and east of State Highway 29. (7-1-93)

40. Unit 31. That portion of WASHINGTON COUNTY within the following boundary: beginning at Brownlee Dam on the Snake River, then southeast on State Highway 71 to U.S. 95, then southwest on U.S. 95 to the Snake River at Weiser, then down the Snake River to Brownlee Dam, the point of beginning. (7-1-93)

41. Unit 32. Those portions of ADAMS, BOISE, GEM, PAYETTE, VALLEY, and WASHINGTON COUNTIES within the following boundary: beginning at Banks, then down State Highway 55 to Floating Feather Road, then west on Floating Feather Road to State Highway 16, then north on State Highway 16 to State Highway 52, then north on State Highway 52 to the Payette River, then downstream (EXCLUDING PAYETTE RIVER ISLANDS) to the Snake River, then downstream to Weiser, then northeast on U.S. 95 to the Emmett-Council Road in Indian Valley, then south on Emmett-Council Road to the Sheep Creek Road, then east on the Sheep Creek Road to the Squaw Creek Road, then south on the Squaw Creek Road to Ola, then northeast on the Ola-Smiths Ferry Road to High Valley, then south on the High Valley-Dry Buck Road to Banks, the point of beginning. (7-1-93)

42. Unit 32A. Those portions of ADAMS, GEM, VALLEY, and WASHINGTON COUNTIES within the following boundary: beginning at U.S. 95 on the watershed divide between Weiser River and Mud Creek, then southeast along the watershed divide between Weiser River and Little Salmon River to No Business Lookout, then south along the watershed divide between Weiser River and North Fork Payette River to Lookout Peak, then south along the watershed divide between Squaw Creek and North Fork Payette River to the Smiths Ferry-Ola Road, then northeast on Smiths Ferry-Ola Road to Smiths Ferry, then down the North Fork to Banks, then northwest on the Banks-Dry Buck-High Valley Road to the Ola-High Valley Road, then west on Ola-High Valley Road to Ola, then north on the Squaw Creek Road to the Sheep Creek Road, then west on the Sheep Creek Road to the Emmett-Council Road, then north on Emmett-Council Road to U.S. 95 in Indian Valley, then north on U.S. 95 to the watershed divide between the Weiser River and Mud Creek, the point of beginning. (7-1-93)

43. Unit 33. Those portions of BOISE and VALLEY COUNTIES within the North Fork of the Payette River drainage east of the river and south of the Packer John Lookout Road, and the drainage of the Middle and South Forks of the Payette River, (EXCEPT the drainage of the Deadwood River upstream from and including Nine Mile Creek on the west side, and No Man Creek on the east side), and that portion of the South Fork of the Payette River drainage downstream from and including the Lick Creek drainage on the north side of the South Fork of the Payette River and downstream from, but excluding, the Huckleberry Creek drainage on the south side of the South Fork of the Payette River. (7-1-93)

44. Unit 34. Those portions of BOISE and VALLEY COUNTIES within the Middle Fork of the Salmon River drainage on the west side of the river upstream from and including the Sulphur Creek drainage, the drainage of Bear Valley Creek and the drainage of Deadwood River upstream from and including the Nine Mile Creek drainage on the west side and the No Man Creek drainage on the east side. (7-1-93)

45. Unit 35. That portion of BOISE COUNTY within the South Fork of the Payette River drainage upstream from, but excluding, the Lick Creek drainage on the north side of the South Fork of the Payette River and upstream from, and including the Huckleberry Creek drainage on the south side of the South Fork of the Payette River. (7-1-93)

46. Unit 36. Those portions of BLAINE and CUSTER COUNTIES within the Salmon River drainage upstream from and including the Yankee Fork on the north side of the river, and upstream from, and including the Warm Springs, Treon, Cold, and Beaver Creek drainages on the south side of the Salmon River, and including the Marsh Creek drainage of the Middle Fork of the Salmon River. (7-1-93)

47. Unit 36A. That portion of CUSTER COUNTY within the Salmon River drainage south and west of U.S. 93 between Willow Creek Summit and the U.S. 93 bridge across the Salmon River south of the town of Challis, and all drainages on the southeast side of the Salmon River upstream from the U.S. 93 bridge to, but excluding, the Warm Springs, Treon, Cold, and Beaver Creek drainages. (7-1-93)

48. Unit 36B. That portion of CUSTER COUNTY within the Salmon River drainage on the north and west side of the Salmon River from and including the Ellis Creek drainage upstream to, but excluding, the Yankee Fork drainage. (7-1-93)

49. Unit 37. Those portions of CUSTER and LEMHI COUNTIES within the Salmon and Pahsimeroi River drainages east of the Salmon River, south and west of the Ellis-May-Howe Highway, and north and east of U.S. 93 between the U.S. 93 bridge across the Salmon River south of the town of Challis and Willow Creek Summit. (7-1-93)

50. Unit 37A. Those portions of CUSTER and LEMHI COUNTIES within the Salmon and Pahsimeroi River drainages east of the Salmon River upstream from, but excluding, the Poison Creek drainage and north and east of the Ellis-May-Howe Highway. (7-1-93)

51. Unit 38. Those portions of ADA, BOISE, CANYON, ELMORE, GEM, and PAYETTE COUNTIES within the following boundary: beginning at the confluence of the Payette and Snake Rivers, then up the Payette River (INCLUDING ISLANDS) to State Highway 52 near Emmett, then south on State Highway 52 to State Highway 16, then south on State Highway 16 to Floating Feather Road, then east on Floating Feather Road to State Highway 55, then south on State Highway 55 to State Highway 44, then east on State Highway 44 to Boise, then south on Interstate 84 to Mountain Home, then south on State Highway 51 to the Snake River, then downstream (INCLUDING ISLANDS) to the Idaho-Oregon State line, then north on the state line to the Payette River, the point of beginning. LAKE LOWELL SECTOR OF DEER FLAT NATIONAL WILDLIFE REFUGE-CLOSED. (7-1-93)

52. Unit 39. Those portions of ADA, BOISE, and ELMORE COUNTIES within the following boundary: beginning at the City of Boise, then southeast on Interstate 84 to Mountain Home, then northeast on the Mountain Home-Anderson Ranch Dam Road to Anderson Ranch Dam, then up the South Fork of the Boise River to Fall Creek (center of Anderson Ranch Reservoir), then up Fall Creek to the Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar-James Creek Road, then north on Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar-James Creek Road to James Creek Summit, then east along the watershed divide between the South and Middle Forks of the Boise River to the intersection of the Camas, Blaine and Elmore County lines, then north along the watershed divide between the Boise and Salmon Rivers to the watershed divide between the Boise and South Fork of the Payette Rivers, then west along the divide to Hawley Mountain, then northwest along the divide between the Payette River and the South Fork Payette River to Banks, then south on State Highway 55 to State Highway 44, then east on State Highway 44 to Boise, the point of beginning. THE AREA BETWEEN STATE HIGHWAY 21 AND THE NEW YORK CANAL FROM THE NEW YORK CANAL DIVERSION DAM DOWNSTREAM TO BOISE CITY LIMITS-CLOSED. (7-1-93)

53. Unit 40. That portion of OWYHEE COUNTY within the following boundary: beginning on the Snake River at the Idaho-Oregon State line, upstream to Grandview, then southeast on State Highway 78 to the Poison Creek Road, then southwest on the Poison Creek-Mud Flat-Deep Creek-Cliffs Road to the North Fork of the Owyhee River, then downstream to the Idaho-Oregon State line, then north to the Snake River, the point of beginning. (7-1-93)

54. Unit 41. That portion of OWYHEE COUNTY within the following boundary: beginning at Grandview on the Snake River, then southeast on State Highway 78 to the Poison Creek Road, then southwest on the Poison Creek-Mud Flat Road to Poison Creek Summit, then southeast along the watershed divide between the drainages of Poison, Shoofly and Jacks Creeks, and the drainage of Battle Creek to the El Paso Natural Gas Pipeline, then south along the pipeline to the Idaho-Nevada State line, then east to the Rogerson-Three Creek-Jarbidge Road, then north on Rogerson-Three Creek-Jarbidge Road to the Jarbidge River, then downstream to the West Fork of the Bruneau River, then downstream to the Bruneau River, then downstream to State Highway 51, then north on State Highway 51 to the Snake River, then downstream (EXCLUDING ISLANDS) to Grandview, the point of beginning. (7-1-93)

55. Unit 42. That portion of OWYHEE COUNTY within the following boundary: beginning on the North Fork of the Owyhee River at the Idaho-Oregon State line, south along the state line to the Idaho-Nevada State line, then east along the state line to the El Paso Natural Gas Pipeline, then north along the pipeline to the watershed divide between Battle and Jacks Creeks, then northwest along the divide and the divide between Battle, Shoofly, and Poison Creeks to the Poison Creek-Mud Flat Road, then west on Poison Creek-Mud Flat Road to the North Fork of

the Owyhee River crossing, then downstream to the state line, the point of beginning. (7-1-93)

56. Unit 43. Those portions of CAMAS and ELMORE COUNTIES within the following boundary: beginning at the confluence of the South Fork of the Boise River and Fall Creek (center of Anderson Ranch Reservoir), then up Fall Creek to the Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar-James Creek Road, then north on Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar-James Creek Road to James Creek Summit, then east along the watershed divide between the Middle and South Forks of the Boise River to the intersection with the Elmore-Camas County line, then north along the Elmore-Camas County line to the junction with the Camas-Blaine County line, then southeast along the Camas-Blaine County line to the Dollarhide Summit-Carrie Creek-Little Smoky Creek Road (Forest Service Road 227), then southwest on Dollarhide Summit-Carrie Creek-Little Smoky Creek Road to the Five Points Creek-Couch Summit Road (Forest Service Road 094), then south on Five Points Creek-Couch Summit Road to Couch Summit, then west along the South Fork of the Boise River-Camas Creek watershed divide to Iron Mountain, then southwest on the Forest Service trail to and down the Middle Fork of Lime Creek to Lime Creek (Forest Service Trails 050 and 049), then downstream to the South Fork of the Boise River (middle of Anderson Ranch Reservoir) to the confluence of Fall Creek, the point of beginning. (7-1-93)

57. Unit 44. Those portions of BLAINE, CAMAS, and ELMORE COUNTIES within the following boundary: beginning at the junction of the Camp Creek-Croy Creek Road and U.S. 20, then west on U.S. 20 to the Anderson Ranch Dam Road, then north on the Anderson Ranch Dam Road to Anderson Ranch Dam, then up the South Fork of the Boise River (middle of Anderson Ranch Reservoir) to Lime Creek, then upstream along Lime Creek to the Middle Fork of Lime Creek, then northeast on the Middle Fork Lime Creek Forest Service trail to Iron Mountain (Forest Service Trails 049 and 050), then east along the South Fork Boise River-Camas Creek watershed divide to Couch Summit, then north on the Five Points Creek Road (Forest Service Road 094), to the Little Smoky Creek-Carrie Creek-Dollarhide Summit Road (Forest Service Road 227), then northeast on Little Smoky Creek-Carrie Creek-Dollarhide Summit Road to Dollarhide Summit, then southeast along the Little Smoky Creek-Big Wood River-Camas Creek watershed divide to Kelly Mountain, then south down Kelly Gulch Creek to the Camp Creek-Croy Creek Road, then southwest on Camp Creek-Croy Creek Road to U.S. 20, the point of beginning. (4-25-94)

58. Unit 45. Those portions of CAMAS, ELMORE, and GOODING COUNTIES within the following boundary: beginning at the junction of U.S. 20 and the Anderson Ranch Dam Road, then east on U.S. 20 to State Highway 46, then south on State Highway 46 to Gooding, then west on U.S. 26 to Bliss, then south on U.S. 30 to the Malad River, then downstream to the Snake River, then downstream (EXCLUDING ALL ISLANDS) to State Highway 51, then north on State Highway 51 to Mountain Home, then northeast on U.S. 20 to Anderson Ranch Dam Road, the point of beginning. THREE ISLAND STATE PARK-CLOSED. (7-1-93)

59. Unit 46. Those portions of ELMORE, OWYHEE, and TWIN FALLS COUNTIES within the following boundary: beginning at the State Highway 51 bridge on the Snake River, then upstream (INCLUDING ALL ISLANDS) to the Gridley Bridge across the Snake River near Hagerman, then southeast on U.S. 30 to U.S. 93, then south on U.S. 93 to Rogerson, then southwest on the Rogerson-Three Creek-Jarbidge Road to the Jarbidge River, then downstream to the West Fork of the Bruneau River, then downstream to the Bruneau River, then downstream to State Highway 51, then north on State Highway 51 to the Snake River, the point of beginning. THREE ISLAND STATE PARK AND ALL SNAKE RIVER ISLANDS BETWEEN THE GLENN'S FERRY BRIDGE AND THE SAILOR CREEK BRIDGE-CLOSED. (7-1-93)

60. Unit 47. Those portions of OWYHEE and TWIN FALLS COUNTIES within the following boundary: beginning at Rogerson on U.S. 93, then southwest on the Rogerson-Three Creek-Jarbidge Road to the Idaho-Nevada State line, then east along the state line to U.S. 93, then north on U.S. 93 to Rogerson, the point of beginning. (7-1-93)

61. Unit 48. That portion of BLAINE COUNTY within the following boundary: beginning at Ketchum, then south on State Highway 75 to U.S. 20, then west on U.S. 20 to the Camp Creek-Croy Creek Road, then northeast on Camp Creek-Croy Creek Road to Kelly Gulch Creek, then up Kelly Gulch Creek to the Big Wood River-Camas Creek-South Fork of the Boise River watershed divide, then north, east, and south around the headwaters of the Big Wood River to the Trail Creek Road, then southwest on Trail Creek Road to Ketchum, the point of beginning. (7-1-93)

62. Unit 49. That portion of BLAINE COUNTY with the following boundary: beginning at Ketchum,

then south on State Highway 75 to U.S. 20, then east on U.S. 20 to Lava Lake, then up Copper Creek to the watershed divide between the Little Wood and Big Lost Rivers, then along the divide to the watershed divide between the Big Wood and Big Lost Rivers, then along the divide to the Trail Creek Road, then southwest on Trail Creek Road to Ketchum, the point of beginning. (7-1-93)

63. Unit 50. Those portions of BLAINE, BUTTE, and CUSTER COUNTIES within the Big Lost River drainage north of U.S. 20-26 and State Highway 33, and the area east of Lava Lake and Copper Creek and north of U.S. 20-26. CRATERS OF THE MOON NATIONAL MONUMENT-CLOSED. (7-1-93)

64. Unit 51. Those portions of BUTTE, CUSTER, and LEMHI COUNTIES within the Little Lost River drainage north and west of State Highway 33. ~~I.N.E.E.L. SITE-CLOSED.~~ (7-1-99)(3-13-00)T

65. Unit 52. Those portions of BLAINE, CAMAS, GOODING, AND LINCOLN COUNTIES within the following boundary: beginning at Gooding, then north on State Highway 46 to U.S. 20, then east on U.S. 20 to Carey, then southwest on U.S. 93 to Shoshone, then west on U.S. 26 to Gooding, the point of beginning. (7-1-93)

66. Unit 52A. Those portions of BLAINE, BUTTE, LINCOLN, and MINIDOKA COUNTIES within the following boundary: beginning at Shoshone, then north and east on U.S. 93 to Arco, then south on the Arco-Minidoka Road to Minidoka, then northwest on State Highway 24 to Shoshone, the point of beginning. CRATERS OF THE MOON NATIONAL MONUMENT-CLOSED. (7-1-93)

67. Unit 53. Those portions of BLAINE, CASSIA, GOODING, JEROME, LINCOLN, MINIDOKA, POWER, and TWIN FALLS COUNTIES within the following boundary: beginning at Twin Falls, then west and north on U.S. 30 to the Snake River, then down the Snake River to the Malad River, then up the Malad River to U.S. 30, then northwest on U.S. 30 to Bliss, then east on U.S. 26 to Shoshone, then southeast on State Highway 24 to Minidoka, then east on the Union Pacific railroad tracks to the Minidoka-Blaine County line, then south along the Minidoka-Blaine County line to the Minidoka National Wildlife Refuge, then southeast along the refuge boundary to the Cassia-Power County line, then south along the Cassia-Power County line to Interstate 86 near Raft River, then west on Interstate 86 to Yale Road, then southwest on Yale Road over Interstate 84 to State Highway 81, then west on State Highway 81 to Burley, then west on U.S. 30 to Twin Falls, the point of beginning. MINIDOKA NATIONAL WILDLIFE REFUGE-CLOSED. (7-1-93)

68. Unit 54. Those portions of CASSIA and TWIN FALLS COUNTIES within the following boundary: beginning at Burley, then west on U.S. 30 to U.S. 93 west of Twin Falls, then south on U.S. 93 to the Idaho-Nevada State line, then east along the state line to the Oakley-Goose Creek Road, then north on Oakley-Goose Creek Road to Oakley, then north on State Highway 27 to Burley, the point of beginning. (7-1-93)

69. Unit 55. That portion of CASSIA COUNTY within the following boundary: beginning at Burley, then south on State Highway 27 to Oakley, then south on the Oakley-Goose Creek Road to the Idaho-Utah State line, then east on the state line to the Strevell-Malta Road, then north on Strevell-Malta Road to Malta and State Highway 81, then northwest on State Highway 81 to Burley, the point of beginning. (7-1-93)

70. Unit 56. Those portions of CASSIA, ONEIDA, and POWER COUNTIES within the following boundary: beginning at the Yale Road-State Highway 81 junction, then northeast on Yale Road over Interstate 84 to Interstate 86, then east on Interstate 86 to State Highway 37, then south on State Highway 37 to Holbrook, then south on the Holbrook-Stone Road to the Idaho-Utah State line, then west on the state line to Interstate 84, then northwest on Interstate 84 to the Malta-Sublett Road, then west on Malta-Sublett Road to its junction with State Highway 81, then north on State Highway 81 to the point of beginning. (7-1-93)

71. Unit 57. Those portions of CASSIA and ONEIDA COUNTIES within the following boundary: beginning at Malta, then east on the Malta-Sublett Road to Interstate 84, then southeast on Interstate 84 to the Idaho-Utah State line, then west on the state line to the Malta-Strevell Road, then northwest on Malta-Strevell Road to Malta, the point of beginning. (7-1-93)

72. Unit 58. Those portions of BUTTE, CLARK, JEFFERSON, and LEMHI COUNTIES within the Birch Creek drainage northwest of State Highway 22. ~~I.N.E.E.L. SITE-CLOSED.~~ (7-1-99)(3-13-00)T

73. Unit 59. That portion of CLARK COUNTY within the following boundary: beginning at Dubois, then north on Interstate 15 to the Idaho-Montana State line, then west along the state line to Bannock Pass (Clark County), then south on Medicine Lodge Road to State Highway 22, then east on State Highway 22 to Dubois, the point of beginning. (7-1-93)

74. Unit 59A. Those portions of CLARK, JEFFERSON, and LEMHI COUNTIES within the following boundary: beginning at Bannock Pass (Clark County) on the Idaho-Montana State line, then west along the state line to the watershed divide between Birch and Crooked Creeks, then south along the divide through Reno Point to State Highway 22, then east on State Highway 22 to Medicine Lodge Road, then north on Medicine Lodge Road to Bannock Pass, the point of beginning. (7-1-93)

75. Unit 60. Those portions of CLARK and FREMONT COUNTIES within the following boundary: beginning at Ashton, then north on U.S. 191-20 to the old (south) Shotgun Valley Road, then west on Shotgun Valley Road to Idmon, then south on the Rexburg-Kilgore Road (Red Road) to the Camas Creek-Jackson Mill Springs Road, then east on Camas Creek-Jackson Mill Springs Road to the Hamilton Hill Road, then southeast on the Hamilton Hill Road to the Sand Creek Road, then southeast on the Sand Creek Road to the old Yellowstone Highway, then east on old Yellowstone Highway to U.S. 191-20, then north on U.S. 191-20 to Ashton, the point of beginning. HARRIMAN STATE PARK WILDLIFE REFUGE-CLOSED. (7-1-93)

76. Unit 60A. Those portions of CLARK, FREMONT, JEFFERSON, and MADISON COUNTIES within the following boundary: beginning at Spencer, east on the Spencer-Kilgore Road to Idmon, then south on the Rexburg-Kilgore Road (Red Road) to the Camas Creek-Jackson Mill Springs Road, then east on Camas Creek-Jackson Mill Springs Road to the Hamilton Hill Road, then southeast on the Hamilton Hill Road to the Sand Creek Road, then south on the Sand Creek Road to the old Yellowstone Highway, then south on old Yellowstone Highway to U.S. 191-20, then south on U.S. 191-20 to Rexburg, then west on State Highway 33 to Sage Junction, then north on Interstate 15 to Spencer, the point of beginning. (7-1-93)

77. Unit 61. Those portions of CLARK and FREMONT COUNTIES within the following boundary: beginning at Spencer, east on the Spencer-Kilgore Road to Idman, then east on the old (south) Shotgun Valley Road to U.S. 191, then south on U.S. 191 to State Highway 47, then southeast on State Highway 47 to the North Hatchery Butte Road, then east on North Hatchery Butte Road to Pineview, then north on the Pineview-Island Park Road to the Baker Draw-Black Mountain Springs Road, then east on Baker Draw-Black Mountain Springs Road to Fish Creek Road, then south on Fish Creek Road to the North Fork of Partridge Creek, then upstream to the Yellowstone Park boundary, then north along the Yellowstone Park boundary to the Idaho-Montana State line, then west to Monida Pass, then south on Interstate 15 to Spencer, the point of beginning. (4-5-00)

78. Unit 62. Those portions of FREMONT, MADISON, and TETON COUNTIES within the following boundary: beginning at the Leigh Creek Road on the Idaho-Wyoming State line, north along the state line to the Yellowstone Park boundary, then northwest along the Yellowstone Park boundary to Robinson Creek, then downstream to State Highway 47, then southwest on State Highway 47 to Ashton, then south on U.S. 191 to State Highway 33, then east on State Highway 33 to Leigh Creek Road east of Tetonia, then east on Leigh Creek Road to the state line, the point of beginning. (7-1-93)

79. Unit 62A. That portion of FREMONT COUNTY within the following boundary: beginning at Ashton, then north on U.S. 191 to State Highway 47, then south on State Highway 47 to the North Hatchery Butte Road, then east on North Hatchery Butte Road to Pineview, then north on the Pineview-Island Park Road to the Baker Draw-Black Mountain Springs Road, then east on Baker Draw-Black Mountain Springs Road to Fish Creek Road, then south on Fish Creek Road to the North Fork of Partridge Creek, then upstream to the Yellowstone Park boundary, then south along the park boundary to Robinson Creek, then downstream to State Highway 47, then southwest on State Highway 47 to Ashton, the point of beginning. HARRIMAN STATE PARK WILDLIFE REFUGE - CLOSED. (7-1-93)

80. Unit 63. Those portions of BINGHAM, BONNEVILLE, BUTTE, CLARK, and JEFFERSON COUNTIES within the following boundary: beginning at Blackfoot then north on Interstate 15 to Dubois, then southwest on State Highway 22 to U.S. 20-26, then southeast on U.S. 26 to Interstate 15 at Blackfoot, the point of beginning. ~~IN.E.E.L. SITE CLOSED~~; Camas National Wildlife Refuge - CLOSED. ~~(7-1-99)~~(3-13-00)T

81. Unit 63A. Those portions of BONNEVILLE, JEFFERSON, and MADISON COUNTIES within the following boundary: beginning at Idaho Falls, then east on U.S. 26 to the spot directly above the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then north across the South Fork of the Snake River to the Heise-Archer-Lyman Road (Snake River Road), then northwest on Heise-Archer-Lyman Road to U.S. 191, then north on U.S. 191 to Rexburg, then west on State Highway 33 to Interstate 15 (Sage Junction), then south on Interstate 15 to Idaho Falls, then east on Broadway Street to U.S. 26, the point of beginning. (7-1-93)

82. Unit 64. Those portions of BONNEVILLE, JEFFERSON, MADISON, and TETON COUNTIES within the following boundary: beginning at the junction of State Highway 33 and U.S. 191 at Sugar City, then south on U.S. 191 to the Lyman-Archer-Heise Road (Snake River Road), then southeast on Lyman-Archer-Heise Road to the Kelly Canyon-Tablerock Road, then east on Kelly Canyon-Tablerock Road to the Hawley Gulch Road (Forest Service Road 218), then east on Hawley Gulch Road to the Moody Swamp Road (Forest Service Road 226), then northeast on Moody Swamp Road to the head of Hilton Creek, then east along the watershed divide between Big Burns and Canyon Creeks to Garns Mountain, then north along the watershed divide between Canyon Creek and Teton River to Grandview Point, then north down the Milk Creek Road to State Highway 33, then west on State Highway 33 to U.S. 191, the point of beginning. (7-1-93)

83. Unit 65. Those portions of BONNEVILLE, MADISON, and TETON COUNTIES within the following boundary: beginning on the Leigh Creek Road at the Idaho-Wyoming State line east of Tetonia, west to State Highway 33, then west on State Highway 33 to Milk Creek Road, then south on Milk Creek Road to Grandview Point, then south along the watershed divide between Canyon Creek and Teton River to Garns Mountain, then southeast along the watershed divide between Pine Creek and Teton River over Red Mountain to Pine Creek Pass, then east on State Highway 31 to Victor, then southeast on State Highway 33 to the state line, then north to the Leigh Creek Road, the point of beginning. (7-1-93)

84. Unit 66. Those portions of BINGHAM and BONNEVILLE COUNTIES within the following boundary: beginning at the Idaho-Wyoming State line on the South Fork of the Snake River, then downstream to the Swan Valley bridge on U.S. 26, then northwest on U.S. 26 to the watershed divide between Granite and Garden Creeks, then southwest along the divide and the divides between Garden-Antelope Creeks, Antelope-Pritchard Creeks and Fall-Tex Creeks to the Fall Creek Road (Forest Service Road 077), then west on Fall Creek Road to Skyline Ridge Road (Forest Service Road 077), then south on Skyline Ridge Road to Brockman Guard Station, then down Brockman Creek to Grays Lake Outlet, then upstream along the outlet to the Bone-Grays Lake Road, then east on Bone-Grays Lake Road to the McCoy Creek Road (Forest Service Road 087), then east on the McCoy Creek Road to the Idaho-Wyoming State line, then north to the point of beginning. (7-1-93)

85. Unit 66A. Those portions of BONNEVILLE and CARIBOU COUNTIES within the following boundary: beginning on the McCoy Creek Road (Forest Service Road 087) at the Idaho-Wyoming State line, west on McCoy Creek Road through Herman to the Bone Road, then south on the Bone Road to State Highway 34, then east on State Highway 34 to the state line, then north along the state line to the point of beginning. (7-1-93)

86. Unit 67. Those portions of BONNEVILLE, JEFFERSON, MADISON, and TETON COUNTIES within the following boundary: beginning on State Highway 33 at the Idaho-Wyoming State line, then northwest to Victor, then southwest on State Highway 31 to Pine Creek Pass, then northwest along the watershed divide between Pine Creek and Teton River over Red Mountain to Garns Mountain, then west along the watershed divide between Big Burns and Canyon Creeks to the Moody Swamp Road (Forest Service Road 226) at Hilton Creek, then west on Moody Swamp Road to the Hawley Gulch Road (Forest Service Road 218), then west on Hawley Gulch Road and the Kelly Canyon Road to the South Fork Snake River Road, then upstream to the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then due south across the river to the mean high water line on the south shore of the South Fork Snake River, then upstream along the mean high water line to the divide between Garden and Granite Creeks in Conant Valley, then south up the divide to U.S. 26, then southeast on U.S. 26 to the Swan Valley bridge, then up the South Fork Snake River to the Idaho-Wyoming State line, then north on the state line to State Highway 33, the point of beginning. (7-1-93)

87. Unit 68. Those portions of BINGHAM, BLAINE, BUTTE, CASSIA, MINIDOKA, and POWER COUNTIES within the following boundary: beginning at Arco, then southeast on U.S. 26 to Blackfoot, then southwest on State Highway 39 to American Falls, then southwest on Interstate 86 to the Cassia-Power County line east of Raft River, then north along the county line to the Snake River, then northwest along the northern boundary of

the Minidoka National Wildlife Refuge to the Minidoka-Blaine County line, then north along the Minidoka-Blaine County line to the Union Pacific Railroad tracks, then west on the tracks to Minidoka, then north on the Minidoka-Arco Road to Arco, the point of beginning. ~~I.N.E.E.L. SITE CLOSED.~~ (7-1-99)(3-13-00)T

88. Unit 68A. Those portions of BANNOCK, BINGHAM, BONNEVILLE, and POWER COUNTIES within the following boundary: beginning at American Falls, then northeast on State Highway 39 to U.S. 26 near Blackfoot, then east on U.S. 26 to Interstate 15, then north on Interstate 15 to Idaho Falls, then east on Broadway Street to U.S. 91 (Old Yellowstone Highway), then south on U.S. 91 to Interstate 15, then south on Interstate 15 to Interstate 86, then southwest on Interstate 86 to American Falls, the point of beginning. (7-1-93)

89. Unit 69. Those portions of BINGHAM, BONNEVILLE, and CARIBOU COUNTIES within the following boundary: beginning at Idaho Falls, then south on U.S. 91 to Blackfoot, then south on Interstate 15 to the Fort Hall interchange, then east on the Fort Hall-Government Dam Road to the Blackfoot River below the Government Dam, then along the north and east shore of the Blackfoot River and Reservoir to State Highway 34, then north on State Highway 34 to the Bone Road, then north on the Bone Road west of Grays Lake to Grays Lake Outlet, then downstream along the outlet to Brockman Creek, then up Brockman Creek to the Brockman Guard Station, then northwest on the Skyline Ridge Road (Forest Service Road 077) to Fall Creek Road (Forest Service Road 077), then east on the Fall Creek Road to the watershed divide between Fall and Tex Creeks, then north along the Fall Creek-Tex Creek, Antelope Creek-Pritchard Creek, Antelope Creek-Garden Creek and Garden Creek-Granite Creek watershed divides to the South Fork of the Snake River, then downstream along the mean high water line on the south shore of the South Fork to the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then southwest to U.S. 26, then west on U.S. 26 to Idaho Falls, the point of beginning. (7-1-93)

90. Unit 70. Those portions of BANNOCK and POWER COUNTIES within the following boundary: beginning at the junction of Interstate 86 and Interstate 15 near Pocatello, then west on Interstate 86 to the Bannock Creek-Arbon Valley Highway, then south along Bannock Creek-Arbon Valley Highway to Mink Creek-Arbon Valley junction near Pauline, then northeast along Mink Creek Road to the Rattlesnake Creek Road, then east along the Rattlesnake Creek-Garden Gap-Arimo Road, then southeast on Rattlesnake Creek-Garden Gap-Arimo Road to Arimo, then north on Interstate 15 to the point of beginning. (7-1-93)

91. Unit 71. Those portions of BANNOCK, BINGHAM, and CARIBOU COUNTIES within the following boundary: beginning at Bancroft, then north on the Bancroft-Chesterfield Road to Chesterfield Dam, then upstream on the Portneuf River to the Government Dam-Fort Hall Road, then west to Fort Hall interchange, then south on Interstate 15 to U.S. 30, then east to the Pebble-Bancroft county road (old U.S. 30N), then northeast to Bancroft, the point of beginning. (7-1-93)

92. Unit 72. Those portions of BINGHAM and CARIBOU COUNTIES within the following boundary: beginning at State Highway 34 on the Blackfoot River, then west along the east and north shore of the Blackfoot River and Reservoir to the Government Dam Road, then west on the Government Dam-Fort Hall Road to the Portneuf River, then downstream to Chesterfield Dam, then south on the Chesterfield-Bancroft Road to Bancroft, then east on the Pebble-Bancroft county road (old U.S. 30N) to U.S. 30N-State Highway 34, then northeast on State Highway 34 to the point of beginning. (7-1-93)

93. Unit 73. Those portions of BANNOCK, FRANKLIN, POWER, and ONEIDA COUNTIES within the following boundary: beginning on U.S. 91 at the Idaho-Utah State line, then north to Arimo, then northwest on the Arimo-Garden Gap-Rattlesnake Road to the Mink Creek Highway, then south along Mink Creek Highway to the Arbon Valley Highway near Pauline, then south on the Arbon Valley Highway to State Highway 37, then west to Holbrook, then south on the Holbrook-Stone Road to the Idaho-Utah State line, then east along the state line to U.S. 91, the point of beginning. (7-1-93)

94. Unit 73A. Those portions of BANNOCK, ONEIDA, and POWER COUNTIES within the following boundary: beginning at Holbrook, then north on State Highway 37 to Interstate 86, then northeast on Interstate 86 to the Bannock Creek-Arbon Valley Highway, then south on Bannock Creek-Arbon Valley Highway to State Highway 37, then west to Holbrook, the point of beginning. (7-1-93)

95. Unit 74. Those portions of BANNOCK, CARIBOU, and FRANKLIN COUNTIES within the following boundary: beginning at Preston, then north on U.S. 91 to Interstate 15, then north on Interstate 15 to U.S.

30N, then east on U.S. 30N to the Pebble-Bancroft county road (old U.S. 30N), then northeast to State Highway 34, then south on State Highway 34 to Preston, the point of beginning. (7-1-93)

96. Unit 75. Those portions of BEAR LAKE, CARIBOU, and FRANKLIN COUNTIES within the following boundary: beginning at Montpelier, then northwest on U.S. 30 to State Highway 34, then south to Cleveland Bridge, then south on the county road to Maple Grove Hot Springs, then east on the Hot Springs-Strawberry Canyon Road to the Strawberry Canyon-Emigration Canyon Road, then east on Strawberry Canyon-Emigration Canyon Road to Ovid, then east on U.S. 89 to Montpelier, the point of beginning. (7-1-93)

97. Unit 76. Those portions of BEAR LAKE and CARIBOU COUNTIES within the following boundary: beginning at U.S. 89 on the Idaho-Utah State line, then north to Montpelier, then north on U.S. 30 to Soda Springs, then northeast on State Highway 34 to the Idaho-Wyoming State line, then south on the Idaho-Wyoming State line to the Idaho-Utah State line, then west on the Idaho-Utah State line to U.S. 89, the point of beginning. (7-1-93)

98. Unit 77. That portion of FRANKLIN COUNTY within the following boundary: beginning at U.S. 91 on the Idaho-Utah State line, then north to Preston, then north on State Highway 34 to Cleveland Bridge, then south on the county road to Maple Grove Hot Springs, then east on the Hot Springs-Strawberry Canyon Road to the Strawberry Canyon-Emigration Canyon Road, then east to the Franklin-Bear Lake County line, then south on the county line to the ridge at the head of Hillyard Canyon, then west approximately one mile along the ridge to the Franklin Basin Road, then south to the Idaho-Utah State line, then west on the state line to U.S. 91, the point of beginning. (7-1-93)

99. Unit 78. Those portions of BEAR LAKE and FRANKLIN COUNTIES within the following boundary: beginning at U.S. 89 on the Idaho-Utah State line, then north to Ovid, then west on the Emigration Canyon-Strawberry Canyon Road to the Bear Lake-Franklin County line, then south to the ridge at the head of Hillyard Canyon, then west approximately one mile along the ridge to Franklin Basin Road, then south on Franklin Basin Road to the Idaho-Utah State line, then east on the state line to U.S. 89, the point of beginning. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

700. CONTROLLED HUNT AREA DESCRIPTIONS - DEER.

01. Hunt Area 1. All of Unit 1 excluding the Kootenai River drainage. (4-5-00)

02. Hunt Area 10AX. That portion of Unit 10A west of the Clearwater National Forest boundary, south of Forest Service Road 250, west of State Highway 11 north of Pierce and south of the Grangemont county road. (7-1-98)

03. Hunt Area 11. All of Unit 11. (10-26-94)

04. Hunt Areas 11A and 11AX. All of Unit 11A. (~~7-1-99~~)(3-13-00)T

05. Hunt Area 13. All of Unit 13. (7-1-99)

06. Hunt Area 14. All of Unit 14. (7-1-99)

07. Unit Area 18. All of Unit 18. (7-1-99)

~~**08. Hunt Area 11AX.** That portion of Unit 11A south of State Highway 162, and east of State Highway 7. (7-1-98)~~

098. Hunt Area 16X. That portion of Unit 16 south of the Selway River, and west of the O'Hara Creek Road (Forest Service Road 651), and that portion of Unit 15 north of the following boundary: Beginning at the

junction of the South Fork Clearwater River with Forest Service Road 244, then east along Forest Service Road 244 to Forest Service Road 1106, then east along Forest Service Road 1106 to its junction with Forest Service Road 284.
(~~7-1-98~~)(3-13-00)T

- ~~109.~~ **Hunt Area 19A.** All of Units 19A, 20A, 22, 23, 24, 25, 26, 31, 32, 32A, 33, 34, 35, 38 and 39.
(~~7-1-98~~)(3-13-00)T
- ~~110.~~ **Hunt Area 20A.** All of Unit 20A. (4-5-00)
- ~~121.~~ **Hunt Area 21-1.** All of Units 21, 21A, 28, 29, 30, 37, and 37A. (~~7-1-99~~)(3-13-00)T
- ~~132.~~ **Hunt Area 22-1 And 22-2.** All of Unit 22. (~~4-5-00~~)(3-13-00)T
- ~~14.~~ ***Hunt Area 22-3. All of Units 22, 31, 32, 32A, and 39.*** (4-5-00)
- ~~153.~~ **Hunt Area 23.** All of Unit 23. (10-26-94)
- ~~164.~~ **Hunt Area 25.** All of Unit 25. (7-1-93)
- ~~175.~~ **Hunt Area 26.** All of unit 26. (4-5-00)
- ~~186.~~ **Hunt Area 27.** All of Unit 27. (4-5-00)
- ~~197.~~ **Hunt Area 29.** All of Units 29, 37, and 37A. (7-1-99)
- ~~2018.~~ **Hunt Areas 31-1 And 31-2.** All of Unit 31. (~~4-5-00~~)(3-13-00)T
- ~~219.~~ **Hunt Area 32-1 And 32-2.** All of Unit 32. (~~4-5-00~~)(3-13-00)T
- ~~220.~~ **Hunt Area 32A-1 And 32A-2.** All of Unit 32A. (~~4-5-00~~)(3-13-00)T
- ~~231.~~ **Hunt Areas 33-1 and 39-2.** All of Units 33 and 35, and that portion of Unit 34 south and west of the Landmark Stanley Road. (~~10-26-94~~)(3-13-00)T
- ~~242.~~ **Hunt Area 39-1 And 39-2.** All of Unit 39. (~~4-5-00~~)(3-13-00)T
- ~~23.~~ **Hunt Area 39-2.** All of Unit 39 EXCEPT that portion of Unit 39 south and east of the Black's Creek Road and the South Fork of the Boise River. (3-13-00)T
- ~~254.~~ **Hunt Area 39-3.** That portion of Unit 39 within the following boundary: Beginning at a point four hundred (400) yards north of State Highway 21 at the Ada County Line, south and west on a line four hundred (400) yards north of State Highway 21 to Warm Springs Avenue, and west on a line four hundred (400) yards north of Warm Springs Avenue to the Highlands-Table Rock powerline, north and west on the Highlands-Table Rock powerline to State Highway 55, north on Highway 55 to the Ada County Line, and southeast on the Ada County Line to the point of beginning. (4-5-00)
- ~~265.~~ **Hunt Areas 40-1 and 40-3.** All of Unit 40. (~~4-5-00~~)(3-13-00)T
- ~~276.~~ **Hunt Area 40-2.** All of Units 40, 41, and 42. (4-5-00)
- ~~287.~~ **Hunt Area 41-1.** All of Unit 41. (~~7-1-98~~)(3-13-00)T
- ~~298.~~ **Hunt Areas 42-1 and 42-2.** All of Unit 42. (~~10-26-94~~)(3-13-00)T
- ~~3029.~~ **Hunt Area 43-1.** All of Unit 43. (~~7-1-98~~)(3-13-00)T
- ~~310.~~ **Hunt Area 43-2.** All of Units 43, 48, 46, 47, 49, 52A, 54, 55, and 56, and 57. (~~4-5-00~~)(3-13-00)T

- ~~321.~~ **Hunt Areas ~~44-1, 44-2 and 44-3.~~** All of Unit 44. (~~7-1-98~~)(3-13-00)T
- ~~332.~~ **Hunt Area ~~44-42.~~** All of Units 44, 45, and 52. (~~4-5-00~~)(3-13-00)T
- ~~343.~~ **Hunt Areas ~~45-1, 45-2, 45-3 and 45-4.~~** All of Unit 45, EXCEPT that portion of Unit 45 within the following boundary: Beginning at Bliss, then north on the Bliss-Hill City Road to the two-pole powerline at White Arrow Ponds (nine point five (9.5) miles north of Bliss), then west along the two-pole powerline to U.S. 20 (milepost 102.3), then southwest on U.S. 20 to Mountain Home, then south on U.S. 51 to the Snake River, then upstream on the Snake River to the Malad River, then up the Malad River to U.S. 30, then northwest on U.S. 30 to Bliss, the point of beginning. (~~10-26-94~~)(3-13-00)T
- ~~354.~~ **Hunt Area ~~47-1.~~** All of Unit 47. (7-1-98)
- ~~365.~~ **Hunt Area ~~47-2.~~** All of Units 46 and 47. (10-26-94)
- ~~376.~~ **Hunt Area ~~48.~~** All of Unit 48. (10-26-94)
- ~~387.~~ **Hunt Area ~~49.~~** All of Unit 49. (10-26-94)
- ~~398.~~ **Hunt Area ~~50X.~~** All of Units 50, 51, 58, 59, 59A, 60, 60A, 61, 62, 62A, 63, 63A, 64, 65, 66, 67, and 69. (4-5-00)
- ~~39.~~ **Hunt Area ~~50-1.~~** That portion of Unit 50 west of U.S. Highway 93. (3-13-00)T
- ~~40.~~ **Hunt Area ~~50-2.~~** All of Unit 50. (7-1-98)
- ~~41.~~ **Hunt Area ~~51-2.~~** All of Unit 51 and that portion of Unit 50 east of U.S. Highway 93. (~~7-1-98~~)(3-13-00)T
- ~~42.~~ **Hunt Areas ~~52-1 and 52-2.~~** All of Unit 52. (~~7-1-98~~)(3-13-00)T
- ~~43.~~ **Hunt Area ~~52A.~~** All of Unit 52A. (7-1-93)
- ~~44.~~ **Hunt Areas ~~54-1, 54-2, and 54-3.~~** All of Unit 54. (~~10-26-94~~)(3-13-00)T
- ~~45.~~ **Hunt Areas ~~55-1 and 55-2.~~** All of Unit 55. Most of City of Rocks National Reserve is open to hunting. Information about hunting within the Reserve is available to permittees at Department offices and at the National Park Service office in Almo. (~~7-1-98~~)(3-13-00)T
- ~~46.~~ **Hunt Area ~~56.~~** All of Unit 56. (10-26-94)
- ~~47.~~ **Hunt Areas ~~57-1 and 57-2.~~** All of Unit 57. (~~7-1-98~~)(3-13-00)T
- ~~48.~~ **Hunt Area ~~58.~~** All of Unit 58. (10-26-94)
- ~~49.~~ **Hunt Areas ~~59-1 and 59-2.~~** All of Units 59 and 59A. (~~7-1-98~~)(3-13-00)T
- ~~50.~~ **Hunt Area ~~60.~~** All of Unit 60, 61, and 62A. (7-1-98)
- ~~51.~~ **Hunt Areas ~~60A-1 and 60A-2.~~** That portion of Unit 60A south of the Dubois-Kilgore Road and west of the Parker-Salem Road (Red Road) and beyond one (1) mile north and west of the North (Henry's) Fork of the Snake River. (~~3-20-97~~)(3-13-00)T
- ~~52.~~ **Hunt Area ~~61.~~** All of Unit 61. (3-20-97)
- ~~53.~~ **Hunt Area ~~62.~~** All of Units 62 and 65. (7-1-98)

54. **Hunt Area 63.** All of Unit 63. (7-1-99)
55. **Hunt Area 63A.** All of 63A. (7-1-99)
56. **Hunt Area 64.** All of Unit 64 and that portion of Unit 67 north and east of State Highway 26. (7-1-99)
57. **Hunt Area 65X.** All of Unit 65. (7-1-98)
58. **Hunt Areas ~~66-1 and 66-2.~~** All of Unit 66. (~~7-1-98~~)(3-13-00)T
- ~~59. **Hunt Area 67.** That portion of Unit 67 north and east of State Highway 26. (7-1-98)~~
6059. **Hunt Area 68A.** All of Unit 68A. (3-20-97)
610. **Hunt Area 69-1.** That portion of Unit 69 north and east of the Grays Lake-Long Valley-Bone-Iona Road. (7-1-98)
621. **Hunt Area 69-2.** All of Unit 69. (7-1-98)
632. **Hunt Area 72.** All of Unit 72. (3-20-97)
643. **Hunt Area 75.** All of Unit 75. EXCEPT that portion east and north of the Bear River is CLOSED. (4-5-00)
- 701. CONTROLLED HUNT AREA DESCRIPTIONS - ELK.**
01. **Hunt Area 4.** All of Units 4 and 7. (3-20-97)
02. **Hunt Areas ~~8-1 and 8-3.~~** That portion of Units 8 and 8A north of the following line: Beginning at the western boundary of Unit 8 at its junction with State Highway 8, then east on Highway 8 to State Highway 9, then northwest on Highway 9 to State Highway 6, then north on Highway 6 to the Unit 8A boundary. (~~7-1-99~~)(3-13-00)T
03. **Hunt Areas ~~8-2 and 8-4.~~** That portion of Units 8 and 8A south of the following line: Beginning at the western boundary of Unit 8 at its junction with State Highway 8, then east on Highway 8 to Forest Service Road 1963 at Helmer, then south and east on Forest Service Road 1963 to Long Meadow Creek, then southeast along Long Meadow Creek to Dworshak Reservoir, then south along the western shoreline of Dworshak Reservoir to the Unit 8A boundary at Dworshak Dam. (~~10-26-94~~)(3-13-00)T
- ~~04. **Hunt Area 10A-1.** All of Unit 10A. (7-1-99)~~
054. **Hunt Area 10A-21.** That portion of Unit 10A west of the Clearwater National Forest boundary, south of Forest Service Road 250, south of State Highway 11 from Pierce to Weippe, and Jim Ford Creek from Weippe to its junction with the Clearwater River. (~~7-1-99~~)(3-13-00)T
065. **Hunt Areas ~~11-1 And 11-2.~~** All of Unit 11. (~~10-26-94~~)(3-13-00)T
076. **Hunt Area 11A.** All of Unit 11A. (7-1-99)
087. **Hunt Areas ~~13-1 And 13-2.~~** All of Unit 13. (~~10-26-94~~)(3-13-00)T
098. **Hunt Areas ~~14-1 And 14-2.~~** That portion of Unit 14 north of the following line: Beginning on the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east on the Slate Creek Road to Forest Service Road 221, then north on Forest Service Road 221 to the Unit 14 east boundary. (~~10-26-94~~)(3-13-00)T
- ~~10. **Hunt Areas 14-3 And 14-4.** That portion of Unit 14 south of the following boundary: Beginning on~~

the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east on the Slate Creek Road to Forest Service Road 221, then north on Forest Service Road 221 to the Unit 14 east boundary. (7-1-98)

- ~~11.~~ **Hunt Areas 15-1 And 15-2.** All of Unit 15. (7-1-98)
- ~~12.~~ **Hunt Areas 16-1 And 16-2.** All of Unit 16. (7-1-99)
- ~~1309.~~ **Hunt Areas 18-1 And 18-2.** All of Unit 18. (7-1-99)(3-13-00)T
- ~~140.~~ **Hunt Areas 19A-1 And 19A-2.** All of Unit 19A. (4-5-00)(3-13-00)T
- ~~151.~~ **Hunt Area 21.** All of Unit 21. (4-5-00)
- ~~16.~~ **Hunt Area 21A.** All of Unit 21A. (4-5-00)
- ~~172.~~ **Hunt Areas 22-1, 22-3, and 22-4.** That portion of Unit 22 described as follows: Beginning at the junction of U.S. 95 and the West Fork Weiser River Road (Forest Service Road 127), then north on Forest Service Road 127 to Grouse Creek Road (Forest Service Road 123), then northwest on Forest Service Road 123 to the watershed divide between Lick Creek and Lost Creek drainages, then north on the divide between Lick Creek and Lost Creek drainages to Lick Creek Lookout, then west on Unit 22 boundary to the Snake River, then south on the Snake River to State Highway 71, then southeast on State Highway 71 to Cambridge, then north on U.S. 95 to the point of beginning. (7-1-98)(3-13-00)T
- ~~183.~~ **Hunt Area 22-2.** That portion of Unit 22 as follows: Beginning at the junction of U.S. 95 and the West Fork Weiser River Road (Forest Service Road 127), then north on Forest Service Road 127 to Grouse Creek Road (Forest Service Road 123), then northwest on Forest Service Road 123 to the watershed divide between Lick Creek and Lost Creek drainages, then north on the divide between Lick Creek and Lost Creek drainages to Lick Creek Lookout, then east along Unit 22 boundary to U.S. 95 to the point of beginning. (5-15-95)
- ~~14.~~ **Hunt Area 22-3.** All of Unit 22. (3-13-00)T
- ~~195.~~ **Hunt Area 23-1.** All of Unit 23. (10-26-94)
- ~~2016.~~ **Hunt Areas 23-2 And 23-4.** That portion of Unit 23 within the Little Salmon River drainage, upstream from but excluding the Round Valley Creek drainage on the west side of the Little Salmon River; and upstream from but excluding the Hazard Creek drainage on the east side of the Little Salmon River, EXCEPT the Little Goose Creek drainage and the Goose Creek drainage above Little Goose Creek are CLOSED. (5-15-95)(3-13-00)T
- ~~217.~~ **Hunt Areas 23-3 And 23-6.** That portion of Unit 23 west of U.S. 95 and north of, and excluding, the Boulder Creek drainage. (5-15-95)(3-13-00)T
- ~~2218.~~ **Hunt Area 23-54.** That portion of Unit 23 which drains into the main Salmon River upstream from its confluence with the Little Salmon River to the French Creek-Burgdorf Road. (5-15-95)(3-13-00)T
- ~~2319.~~ **Hunt Areas 24-1.** That portion of Unit 24 within the following boundary: Beginning at the junction of State Highway 55 and the Warm Lake Road, then east along Warm Lake Road to the Unit 24/25 boundary, then north along the Unit 24/25/19A boundary to the intersection of the Unit 24/19A/23 boundaries, then south along the Unit 24/23/32A boundary to Forest Service Road 186 at No Business Saddle, then southeast on Forest Service Road 186 to West Mountain Road, then south on West Mountain Road to Tamarack Falls Road, then east on Tamarack Falls Road to Norwood Road, then north on Norwood Road to West Roseberry Road, then east on West Roseberry Road to State Highway 55, then south on State Highway 55 to the point of beginning. EXCEPT Short Range Weapons ONLY in that portion within the following boundary: Beginning in McCall at the junction of State Highway 55 and Boydstun Street, then south on Boydstun Street to West Valley Road, then west and south along West Valley Road and West Mountain Road to Tamarack Falls Road, then east on West Roseberry Road to State Highway 55, then south on State Highway 55 to Farm-to-Market Road, then north on Farm-to-Market Road to Elo Road, then west on Elo Road to State Highway 55, then north on State Highway 55 to the point of beginning. (4-5-00)(3-13-00)T

~~240.~~ **Hunt Areas 24-2.** That portion of Unit 24 within the following boundary: Beginning north of Cascade at the junction of State Highway 55 and Warm Lake Road, then north on Highway 55 to West Roseberry Road, then west on West Roseberry Road to Norwood Road, then south on Norwood Road to Tamarack Falls Road, then west on Tamarack Road to West Mountain Road, then north on West Mountain Road to Forest Service Road 186, then northwest on Forest Service Road 186 to No Business Saddle, then south along the Unit 24/32A unit boundary to the intersection of the Unit 24/32A/33 boundaries at Smith's Ferry, then north along the Unit 24/33/25 boundary to Warm Lake Road, then west on Warm Lake Road to the point of beginning. EXCEPT Short Range Weapons Only within the following boundary: Beginning in Donnelly at the junction of State of State Highway 55 and West Roseberry Road, then west on West Roseberry Road to West Mountain Road, then south on West Mountain Road to Cabarton Road, then north on Cabarton Road to State Highway 55, then north on State Highway 55 to the point of beginning. ~~(4-5-00)~~(3-13-00)T

~~251.~~ **Hunt Area 24-3.** All of Unit 24. (4-5-00)

~~262.~~ **Hunt Area 25-1 And 25-2.** All of Unit 25. ~~(4-5-00)~~(3-13-00)T

~~27.~~ **Hunt Area 27.** All of Unit 27. ~~(4-5-00)~~

~~283.~~ **Hunt Area 28.** All of Unit 28. (4-5-00)

~~294.~~ **Hunt Area 29-1.** All of Unit 29. (7-1-99)

~~3025.~~ **Hunt Area 29-2.** All of Units 29 and 37A. (7-1-99)

~~3126.~~ **Hunt Area 30-1.** All of Units 30, 30A, 58, 59, and 59A. (7-1-99)

~~327.~~ **Hunt Areas 30-2 and 30-3.** All of Unit 30 and that portion of Unit 21A within the Carmen Creek drainage. ~~(7-1-99)~~(3-13-00)T

~~3328.~~ **Hunt Areas 30A-1 and 30A-2.** All of Unit 30A. ~~(10-26-94)~~(3-13-00)T

~~3429.~~ **Hunt Area 31-1, 31-2, and 31-3.** All of Unit 31. ~~(10-26-94)~~(3-13-00)T

~~350.~~ **Hunt Areas 32-1 And 32-3.** That portion of Unit 32 south and east of the following boundary: Beginning at the mouth of Big Willow Creek, north and east on Big Willow Creek to the point where Four Mile Road crosses Big Willow Creek, then north on Four Mile Road to the Riley Butte Road, then east on the Riley Butte Road to the North Crane Road, then north on the North Crane Road to the Emmett/Council Road, then north on the Emmett/Council Road to U.S. Highway 95. ~~(3-20-97)~~(3-13-00)T

~~361.~~ **Hunt Area 32-2.** That portion of Unit 32 north and west of the following boundary: Beginning at the mouth of Big Willow Creek, north and east on Big Willow Creek to the point where Four Mile Road crosses Big Willow Creek, then north on Four Mile Road to the Riley Butte Road, then east on the Riley Butte Road to the North Crane Road, then north on the North Crane Road to the Emmett/Council Road, then north on the Emmett/Council Road to U.S. Highway 95. (4-5-00)

~~372.~~ **Hunt Areas 32A-1, 32A-2, 32A-3, and 32A-4.** All of Unit 32A. ~~(10-26-94)~~(3-13-00)T

~~38.~~ **Hunt Area 33-1.** All of Unit 33. ~~(7-1-98)~~

~~393.~~ **Hunt Area 33-21.** That portion of Unit 33 outside of the exterior boundary of the Boise National Forest. ~~(7-1-98)~~(3-13-00)T

~~4034.~~ **Hunt Areas 33-32 and 33-4.** All of Units 33 and 35 and that portion of Unit 34 south and west of the Landmark-Stanley Road. ~~(7-1-98)~~(3-13-00)T

~~41.~~ **Hunt Area 34.** All of Unit 34. ~~(10-26-94)~~

- ~~42.~~ **Hunt Area 35.** All of Unit 35. (10-26-94)
- ~~435.~~ **Hunt Areas 36-1 And 36-2.** All of Unit 36. (4-5-00)(3-13-00)T
- ~~44.~~ **Hunt Area 36-3.** That portion of Unit 36 upstream from and including Four Aces and Joes Gulch drainages on the Salmon River. (4-5-00)
- ~~4536.~~ **Hunt Area 36A-1 And 36A-3.** That portion of Unit 36A west of the East Fork of the Salmon River and that portion east of the East Fork of the Salmon River upstream from and including the West Pass Creek drainage. (4-5-00)(3-13-00)T
- ~~4637.~~ **Hunt Area 36A-2 And 36A-4.** That portion of Unit 36A east of the East Fork of the Salmon River downstream from but EXCLUDING the West Pass Creek drainage; and that portion of Unit 50 north of Trail Creek Road and west of U.S. 93, and that portion of Unit 50 north of the Doublespring Pass Road east of U.S. 93. (4-5-00)(3-13-00)T
- ~~4738.~~ **Hunt Area 36B.** All of Unit 36B. (4-5-00)
- ~~4839.~~ **Hunt Areas 37-1 and 37-2.** All of Unit 37. (10-26-94)(3-13-00)T
- ~~490.~~ **Hunt Areas 37A-1 and 37A-2.** All of Unit 37A. (7-1-99)(3-13-00)T
- ~~5041.~~ **Hunt Area 39-1.** That portion of Unit 39 south and east of the Blacks Creek Road and the South Fork of the Boise River. (7-1-98)
- ~~5142.~~ **Hunt Area 39-2.** That portion of Unit 39 south and east of State Highway 21. (7-1-98)
- ~~5243.~~ **Hunt Area 39-3.** That portion of Unit 39 north and west of State Highway 21. (7-1-98)
- ~~5344.~~ **Hunt Area 39-4.** That portion of Unit 39 north and west of the following boundary: Beginning in Boise, north on the Bogus Basin Road to Bogus Basin, then north on Forest Service Road 374 (Boise Ridge Road) to the Unit 39 boundary at Hawley Mountain and that portion of Unit 32 south of State Highway 52 in Boise and Gem Counties. (7-1-98)(3-13-00)T
- ~~545.~~ **Hunt Areas 40-1 And 40-2.** All of Units 40, 41, and 42. (4-5-00)(3-13-00)T
- ~~5546.~~ **Hunt Areas 43-1, 43-2, 43-3, 43-4, And 43-5.** All of Unit 43. (7-1-99)(3-13-00)T
- ~~5647.~~ **Hunt Areas 44-1, 44-2, And 44-3.** All of Unit 44. (10-26-94)(3-13-00)T
- ~~5748.~~ **Hunt Area 45-1, 45-2, And 45-3.** All of Units 45 and 52. (7-1-99)(3-13-00)T
- ~~5849.~~ **Hunt Areas 48-1 And 48-2.** All of Unit 48. (4-5-00)(3-13-00)T
- ~~590.~~ **Hunt Areas 48-32.** That portion of Unit 48 north Trail Creek and the Ketchum-Warm Springs Creek-Dollarhide Summit Road ~~and west and south of State Highway 75.~~ (4-5-00)(3-13-00)T
- ~~6051.~~ **Hunt Area 48-43.** All of Unit 48 ~~EXCEPT that portion north~~ That portion of Unit 48 south of the Ketchum-Warm Springs Creek-Dollarhide Summit Road ~~and west and south of State Highway 75.~~ (4-5-00)(3-13-00)T
- ~~6152.~~ **Hunt Areas 49-1, 49-2, 49-3, And 49-4.** All of Unit 49 and that portion of Unit 50 in the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. (7-1-98)(3-13-00)T
- ~~6253.~~ **Hunt Areas 50-1 And 50-2.** That portion of Unit 50 south of the Doublespring Pass Road east of U.S. 93, and that portion south of the Trail Creek Road west of U.S. 93 but EXCLUDING the Copper Creek and

Cottonwood Creek drainages west of the Craters of the Moon National Monument. (~~10-26-94~~)(3-13-00)T

~~6354.~~ **Hunt Area 50-32.** That portion of Unit 50 west of U.S. 93 but EXCLUDING the North Fork and East Fork of the Big Lost River drainages, and the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. (~~4-5-00~~)(3-13-00)T

~~64.~~ **Hunt Area 50-4.** That portion of Unit 50 east of U.S. 93. (7-1-98)

~~655.~~ **Hunt Areas 51-1, 51-2, And 51-3.** All of Unit 51 including that portion of this hunt within one-half (1/2) mile inside the north and west boundary of the Idaho National Engineering and Environmental Laboratory (INEEL) adjacent to agricultural lands. (~~7-1-99~~)(3-13-00)T

~~56.~~ **Hunt Area 51-2.** That portion of Unit 51 south of Deer Creek and Cedar Run Creek, and that portion of Unit 58 south of and including Kyle Canyon drainages north and west of State Highway 22, including all the Idaho Engineering and Environmental Laboratory (INEEL) lands in Units 51 and 58 within the described boundary. (3-13-00)T

~~6657.~~ **Hunt Area 51-43.** That portion of Unit 51 south of Deer Creek and Cedar Run Creek and within one (1) mile of private fields on which cultivated crops are currently growing, and that portion of Unit 58 south of and including the Kyle Canyon drainage north and west of State Highway 22, including all the Idaho National Engineering and Environmental Laboratory (INEEL) lands in Units 51 and 58 within the described boundary. (~~7-1-99~~)(3-13-00)T

~~6758.~~ **Hunt Areas 52A-1 And 52A-2.** All of Units 52A. (~~4-5-00~~)(3-13-00)T

~~59.~~ **Hunt Area 56-1.** All of Units 56, 70, 71, 72, 73, 73A and 74. (3-13-00)T

~~680.~~ **Hunt Areas 56-1 And 56-2.** All of Unit 56. (~~7-1-99~~)(3-13-00)T

~~691.~~ **Hunt Area 58-1.** All of Unit 58, 59, and 59A. (7-1-99)

~~7062.~~ **Hunt Area 58-2.** All of Unit 58. (7-1-99)

~~7163.~~ **Hunt Area 59.** All of Units 59 and 59A. (7-1-99)

~~7264.~~ **Hunt Area 60-1.** All of Units 60, 61, and 62A, EXCEPT the Harriman State Park Wildlife Refuge is CLOSED. (7-1-99)

~~7365.~~ **Hunt Areas 60-2 And 60-3.** All of Unit 60, EXCEPT the Harriman State Park Wildlife Refuge is CLOSED. (~~7-1-99~~)(3-13-00)T

~~7466.~~ **Hunt Areas 60A-1 And 60A-2.** That portion of Unit 60A south of the Dubois-Kilgore Road and west of the Parker-Salem Road (Red Road). (~~7-1-99~~)(3-13-00)T

~~7567.~~ **Hunt Areas 61-1, 61-2, And 61-3.** All of Unit 61. (~~5-15-95~~)(3-13-00)T

~~768.~~ **Hunt Area 62.** That portion of Unit 62 east of the following described boundary: beginning at the junction of State Highway 33 and State Highway 32, then north on State Highway 32 to Lamont, then north on 4700 East approximately five miles to 1100 North, then west on 1100 North approximately two (2) miles to 4500 East, then north on 4500 East to Robinson Creek and that portion of Unit 65 east ~~of Poleline Bates-Cedron Road Highway 31 Road~~ State Highway 33. (~~4-5-00~~)(3-13-00)T

~~7769.~~ **Hunt Area 62A-1.** That portion of Unit 62A west of the Henrys Fork of the Snake River and that portion of Unit 60 south of the Microwave Tower Road and east of the powerline to its intersection with Ashton Reservoir. (7-1-99)

~~780.~~ **Hunt Area 62A-2.** That portion of Unit 62A east of the Henrys Fork of the Snake River. (7-1-99)

- ~~791.~~ **Hunt Area 64.** All of Unit 64 and that portion of Unit 65 west of ~~the Poteline-Bates-Cedron Highway 31 Road~~ Highway 33. ~~(7-1-99)~~(3-13-00)T
- ~~8072.~~ **Hunt Area 66.** All of Unit 66, and that portion of Unit 69 north and east of the Gray's Lake-Long Valley-Bone-Iona Road. (4-5-00)
- ~~8173.~~ **Hunt Areas 66A-1, 66A-2, And 66A-3.** All of Units 66A and 76. ~~(7-1-99)~~(3-13-00)T
- ~~82.~~ ~~**Hunt Area 67-1.** All of Unit 67 and 64.~~ ~~(7-1-99)~~
- ~~8374.~~ **Hunt Area 67-2.** That portion of Unit 67 south of Dry Creek. ~~(4-5-00)~~(3-13-00)T
- ~~8475.~~ **Hunt Area 69.** That portion of Unit 69 south and west of the Gray's Lake-Long Valley-Bone-Iona Road. (4-5-00)
- ~~8576.~~ **Hunt Areas 70-1 And 70-2.** All of Units 70, 71, 72, 73, 73A, and 74. ~~(4-5-00)~~(3-13-00)T
- ~~8677.~~ **Hunt Areas 75-1 And 75-2.** All of Units 75, 77, and 78. ~~(7-1-99)~~(3-13-00)T
- ~~878.~~ **Hunt Area 76-1.** That portion of Unit 66A within the Miller and Newwander Creek drainages, the Jackknife Creek drainage east of the mouth of Squaw Creek, and east of the Cabin Creek-Haderlie Ridge Trail (Forest Service Trail 619), and that portion of Unit 76 within the following boundary: Beginning at the intersection of State Highway 34 and the Idaho-Wyoming border, then west approximately four (4) miles to the mouth of the South Fork of Tincup Creek and Forest Service Trail 014, then south up Trail 014 to the Stump Creek Road, then south and east along Stump Creek Road to the Idaho-Wyoming border, then north along the border to the junction of State Highway 34, the point of beginning. ~~(7-1-99)~~(3-13-00)T

(BREAK IN CONTINUITY OF SECTIONS)

703. CONTROLLED HUNT AREA DESCRIPTIONS - ANTELOPE.

- 01.** **Hunt Areas 29-1.** That portion of Unit 29 downstream from and including the Hayden Creek drainage on the west side of the Lemhi River and those drainages on the east side of the main Salmon River upstream from the mouth of the Lemhi River to, but excluding, the Poison Creek drainage. (3-20-97)
- ~~02.~~ ~~**Hunt Areas 29-2.** That portion of Unit 29 upstream from, but excluding, the Hayden Creek drainage on the west side of the Lemhi River.~~ ~~(3-20-97)~~
- ~~032.~~ **Hunt Area 30.** All of Unit 30. (7-1-98)
- ~~043.~~ **Hunt Area 30A.** All of Unit 30A. (7-1-98)
- ~~04.~~ **Hunt Area 32.** All of Units 32 and 32A (3-13-00)T
- 05.** **Hunt Area 36A-1.** That portion of Unit 36A west of the East Fork of the Salmon River. (10-26-94)
- ~~06.~~ ~~**Hunt Area 36A-2.** That portion of Unit 36A east of the East Fork of the Salmon River.~~ ~~(10-26-94)~~
- ~~076.~~ **Hunt Areas 36B.** All of Unit 36B, and that portion of Unit 28 upstream from and including the Iron Creek drainage. (3-20-97)
- ~~087.~~ **Hunt Area 37-1.** That portion of Unit 37 south of the Doublespring Pass-Goldburg Road. (7-1-99)

- ~~098.~~ **Hunt Area 37-2.** That portion of Unit 37 north of the Doublespring Pass-Goldburg Road. (7-1-99)
- ~~109.~~ **Hunt Area 37A-1.** That portion of Unit 37A east of the (Little) Morgan Creek Road and the north fork of (Little) Morgan Creek. ~~(10-26-94)~~(3-13-00)T
- ~~11.~~ **Hunt Area 37A-2.** That portion of Unit 37A west of the (Little) Morgan Creek Road and the north fork of (Little) Morgan Creek, and that portion of Unit 29 in the Poison Creek drainage. ~~(10-26-94)~~
- ~~120.~~ **Hunt Area 39.** All of Unit 39. (3-20-97)
- ~~131.~~ **Hunt Area 40.** All of Unit 40. (10-26-94)
- ~~142.~~ **Hunt Area 41.** That portion of Unit 41 east of State Highway 51. (10-26-94)
- ~~153.~~ **Hunt Area 42.** That portion of Unit 41 west of State Highway 51 and all of Unit 42. (10-26-94)
- ~~164.~~ **Hunt Area 44.** All of Unit 44 and that portion of Unit 45 within the Camas Creek drainage. (10-26-94)
- ~~175.~~ **Hunt Areas 46-1 and 46-2.** All of Unit 46. ~~(10-26-94)~~(3-13-00)T
- ~~186.~~ **Hunt Area 47.** All of Unit 47. (10-26-94)
- ~~197.~~ **Hunt Area 49.** All of Unit 49 and that portion of Unit 50 in the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. (7-1-98)
- ~~2018.~~ **Hunt Area 50-1.** That portion of Unit 50 north of Antelope Creek and west of U.S. 93. (10-26-94)
- ~~219.~~ **Hunt Area 50-2.** That portion of Unit 50 southeast of Antelope and Pass Creeks but EXCLUDING the Copper Creek and Cottonwood Creek drainages west of Craters of the Moon National Monument. (10-26-94)
- ~~220.~~ **Hunt Area 50-3.** That portion of Unit 50 north of Pass Creek and east of U.S. 93. (10-26-94)
- ~~231.~~ **Hunt Area 51-1.** That portion of Unit 51 north of Badger Creek Road and north of the Wet Creek-Pass Creek Road. (10-26-94)
- ~~242.~~ **Hunt Areas 51-2 And 51-3.** That portion of Unit 51 south of Badger Creek Road and south of the Wet Creek-Pass Creek Road and that portion of Unit 63 within Butte County including that portion of this hunt area within one-half (1/2) mile inside the boundary of the Idaho National Engineering and Environmental Laboratory (INEEL) adjacent to agricultural lands. (7-1-99)
- ~~23.~~ **Hunt 52A.** All of Unit 52A. (3-13-00)T
- ~~254.~~ **Hunt Area 53.** All of Unit 53. (10-26-94)
- ~~265.~~ **Hunt Area 54.** All of Unit 54. (3-13-96)
- ~~276.~~ **Hunt Area 57.** All of Unit 57 and that portion of Unit 56 west of Interstate 84. (3-13-96)T
- ~~287.~~ **Hunt Area 58.** All of Unit 58 outside the Idaho National Engineering and Environmental Laboratory (INEEL) boundary. (7-1-99)
- ~~298.~~ **Hunt Area 59.** All of Units 59 and 59A. (3-20-96)
- ~~3029.~~ **Hunt Area 60A.** All of Units 60 and 60A, and that portion of Unit 61 west of Hotel Creek. (3-20-96)

- ~~340.~~ **Hunt Area 61.** That portion of Unit 61 east of Hotel Creek. (10-26-94)
- ~~321.~~ **Hunt Area 63-1.** That portion of Unit 63 south of State Highway 33 and including that portion of this hunt area within one-half (1/2) mile inside the east boundary of the Idaho National Engineering and Environmental Laboratory (INEEL) and which is adjacent to agricultural lands. (7-1-99)
- ~~332.~~ **Hunt Area 63-2.** That portion of Unit 63 north of State Highway 33, and including that portion of this hunt area within one-half (1/2) mile inside the boundary of the Idaho National Engineering and Environmental Laboratory (INEEL) and which is adjacent to agricultural lands, EXCLUDING the Camas National Wildlife Refuge which is CLOSED. (7-1-99)
- ~~343.~~ **Hunt Area 68.** All of Unit 68. (10-26-94)

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME
13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS
IN THE STATE OF IDAHO

DOCKET NO. 13-0109-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is May 10, 2000.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 18, 2000.

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 the required finding and concise statement of the supporting reasons for the proposed rulemaking:

To add new required sections to the rule, to repeal obsolete rules and make corrections after statutory amendment.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Conferring a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. N/A

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this temporary and proposed rulemaking, contact Tom Hemker at 334-2920.

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 25, 2000.

DATED this 18th day of August, 2000.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0109-0001

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-1101(a), Idaho Code, to adopt rules concerning the taking of game birds in the state of Idaho. (5-10-00)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.09.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.09, "Rules Governing the Taking of Game Birds in the State of Idaho". (5-10-00)T

02. Scope. These rules establish the methods of taking game birds in the state of Idaho. (5-10-00)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(vi), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (5-10-00)T

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission". (5-10-00)T

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (5-10-00)T

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

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (5-10-00)T

~~0006.~~ -- 009. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

100. TAGS, STAMPS, PERMITS, AND VALIDATIONS.

01. Pheasant, Quail, Or Partridge Sage Grouse Or Sharp-Tailed Grouse. No person, ~~seventeen (17) years of age or older,~~ shall hunt ~~pheasant, quail, or partridge sage or sharp-tailed grouse~~ anywhere within the state, except licensed shooting preserves, without having in his or her possession the appropriate hunting license that has been validated for ~~upland game~~ sage grouse. The validation shall be valid from January 1 through December 31 of each year. ~~(7-1-98)~~(5-10-00)T

02. Ducks, Geese, Or Brant. ~~No person, seventeen (17) years of age or older, shall hunt ducks, geese, or brant anywhere within the state, without having in his or her possession the appropriate hunting license that has been validated for waterfowl. The validation shall be valid from January 1 through December 31 of each year.~~ (7-1-98)

032. Migratory Game Birds. No person shall hunt ducks, geese, brant, coots, common snipe, sandhill cranes, or mourning doves anywhere within the state, without having in his or her possession the appropriate hunting license that has been validated for the Federal Migratory Game Bird Harvest Information Program. The validation shall be valid from January 1 through December 31 of each year. (7-1-98)

043. Wild Turkey. No person shall hunt wild turkey without having in his or her possession the appropriate hunting license, tag, and controlled hunt permit. Persons obtaining and using tags, stamps, and permits

must comply with the following requirements: (7-1-98)

a. ~~General tags issued for wild turkey are valid for any general season hunt. Three (3) turkey tags may be purchased each year, including a spring tag, a second spring tag, and a fall tag. Please review the Wild Turkey brochure, which contains the Commission's proclamation setting seasons and limits.~~ (4-5-00)(5-10-00)T

b. Permits for Controlled Hunts: Any person who receives a controlled hunt permit for wild turkey is prohibited from using that permit/tag to hunt in any other wild turkey hunt. (4-5-00)

c. Nonresident permit limitations: On controlled hunts with ten (10) or fewer permits, not more than one (1) permit will be issued to nonresidents. On controlled hunts with more than ten (10) permits, not more than ten percent (10%) of the permits may be issued to nonresidents. (7-1-98)

d. Eligibility: The holders of valid hunting licenses are eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

i. Holders of a Type 208 Nongame Hunting License may not apply for any controlled hunt. (7-1-93)

ii. 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. (7-1-93)

e. Applications: Applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than February 15 for Spring hunts and May 31 for Fall hunts, annually. Applications must comply with the following requirements: (12-15-97)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. (7-1-93)

ii. Only one (1) application card per person or group will be accepted. Additional application cards will result in all applicants being declared ineligible. (7-1-93)

iii. Fees: All applicants for controlled hunts must submit a non-refundable application fee with their application; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. If you are successful, you will be issued a permit that entitles you to purchase the appropriate controlled hunt tag, beginning April 1, at any license vendor or Fish and Game office by presenting your hunting license and controlled hunt permit. (7-1-98)

iv. A single payment (either cashier's check, money order, certified check, or personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. (2-7-95)

v. A "group application" is defined as two (2) hunters applying for the same controlled hunt on the same application. (2-7-95)

vi. Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (7-1-93)

vii. All spring wild turkey hunters may apply for a Fall turkey controlled hunt permit during the same calendar year. ~~If successful in being drawn they may present their nonvalidated general wild turkey tag at any Department office for exchange for a new Fall controlled hunt permit and tag.~~ (4-5-00)(5-10-00)T

f. 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. (7-1-93)

g. Tag validation and attachment: Immediately after any wild turkey is killed, the turkey tag must be validated and securely attached to the wild turkey. (7-1-93)

h. 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. (7-1-93)

i. The tag must remain attached so long as the turkey is in transit or storage. (7-1-93)

054. Early September Canada Goose Hunts. (7-1-98)

a. Controlled Hunts: No person shall hunt Canada geese during controlled, early September seasons (September 1-15) without having in his or her possession the appropriate hunting license and controlled hunt permit. Persons obtaining and using controlled hunt permits must comply with the following requirements: (7-1-98)

i. Applications: Applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than July 15, annually. Applications must comply with the following requirements: (4-5-00)

ii. Fees: All applicants for controlled hunts must submit a nonrefundable application fee with their application; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. Successful applicants will be issued a permit that entitles them to hunt. ~~(The Idaho waterfowl validation (waterfowl stamp) and~~ The Federal Migratory Bird Stamp ~~are~~ is required by any person ~~sixteen (16) and~~ seventeen (17) years of age and older, respectively (~~Idaho Code 36-414~~; Title 50 Code of Federal Regulations, Part 20)). ~~(7-1-98)~~(5-10-00)T

~~iii. Landowner Preference Permits: Landowner Preference Permits shall be the same as IDAPA 13.01.04.400.01 through 400.06. (7-1-98)~~

~~iv. The following rules previously established for wild turkey also apply to early September Canada goose hunts: Subsections 100.043.b., 100.043.c., 100.043.d., 100.043.e.ii., 100.043.e.iv. through 100.043.e.vi., and 100.043.f. (4-5-00)(5-10-00)T~~

iv. Any controlled hunt permits for Canada geese that remain unsold after the controlled hunt drawing may be sold by the Department on a first-come, first-served basis. (7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

200. IDENTIFICATION OF SPECIES IN POSSESSION AND DURING TRANSPORTATION OR SHIPMENT.

Any person in possession of or transporting or shipping any game birds must comply with the following requirements: (7-1-93)

01. Wild Turkey. The beard or ~~spurred~~ leg of wild turkey must be left naturally attached to the carcass. ~~(7-1-93)~~(5-10-00)T

02. All Other Game Birds. 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. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

300. UPLAND GAME BIRD METHODS OF TAKE.

01. Taking Of Upland Game Birds. No person shall take upland game birds: (7-1-93)

- a. Except wild turkey, from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise. Pheasants shall not be taken before twelve o'clock noon on the opening day in certain counties (see Rule 11, Pheasant Seasons). Wild turkey shall not be taken between sunset and one-half (1/2) hour before sunrise. (7-1-93)
- b. With a trap, snare, net, crossbow, or firearms EXCEPT a shotgun using shells not exceeding three and one-half (3-1/2) inches maximum length, slingshot, hand-held or thrown missiles, EXCEPT forest grouse. Forest grouse shall not be taken with a trap, snare, net, or crossbow. (~~7-1-93~~)(5-10-00)T
- c. From boats or other craft having a motor attached UNLESS the motor is completely shut off and forward progress has ceased, or if the boat is drifting naturally, or if it is propelled only by paddle, oars, or pole, or if it is beached, moored, or resting at anchor. (7-1-93)
- d. By the use or aid of any electronic call. (7-1-93)
- e. By the aid of baiting. Bait is defined as any substance placed to attract upland game birds. (7-1-93)
- 02. Wild Turkey.** In addition to the methods listed above, wild turkey may not be taken: (7-1-93)
- a. With lead shot exceeding BB size. (7-1-93)
- b. With steel shot exceeding T size. (7-1-93)
- c. By the use of dogs, except during fall hunts. (~~3-23-94~~)(5-10-00)T

(BREAK IN CONTINUITY OF SECTIONS)

600. PHEASANT SEASONS, BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits shall apply: (10-26-94)

- 01. Area 1.** Area 1 includes Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties. (7-1-93)
- a. Area 1 annual season begins the second Saturday of October and lasts through December 31. (7-1-98)
- b. Area 1 daily bag limit is three (3) cocks. (7-1-93)
- c. Area 1 possession limit after the first day of the season is six (6) cocks. (7-1-93)
- 02. Area 2.** Area 2 includes Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, and Twin Falls Counties. (7-1-93)
- a. Area 2 annual season begins at noon on the third Saturday of October and lasts through November 30. (7-1-99)
- b. Area 2 daily bag limit is three (3) cocks. EXCEPT Market Lake Wildlife Management Area and Mud Lake Wildlife Management Area in Jefferson County, Cartier Wildlife Management Area in Madison County, and Sterling Wildlife Management Area in Bingham County is two (2) cocks. (~~7-1-93~~)(5-10-00)T
- c. Area 2 possession limit after the first day of the season is six (6) cocks. EXCEPT Market Lake Wildlife Management Area and Mud Lake Wildlife Management Area in Jefferson County, Cartier Wildlife Management Area in Madison County, and Sterling Wildlife Management Area in Bingham County is four (4) cocks.

~~(7-1-93)(5-10-00)T~~

03. Area 3. Area 3 includes Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties (including all islands in the Snake River EXCEPT PATCH AND PORTER ISLANDS).

(7-1-93)

a. Area 3 annual season begins at noon (12:00 pm) on opening day, the third Saturday of October, and lasts through December 31.

(7-1-99)

b. Patch and Porter Islands: Opening Date is the third Saturday of October. Closing Dates: (Will be the same as those set for these areas by the Oregon Fish and Game Commission. Check with Idaho regional offices for dates or see Oregon small game regulations.)

(10-26-94)

c. Area 3 daily bag limit is three (3) cocks. EXCEPT Fort Boise Wildlife Management Area (including Gold Island) in Canyon County, C.J. Strike Wildlife Management Area in Owyhee County, Kennedy-Keifer segment of the Lower Payette River Wildlife Management Area in Payette County and Montour Management Area in Gem County is two (2) cocks.

(7-1-93)

d. Area 3 possession limit after the first day of the season is six (6) cocks. EXCEPT Fort Boise Wildlife Management Area (including Gold Island) in Canyon County, C.J. Strike Wildlife Management Area in Owyhee County, Kennedy-Keifer segment of the Lower Payette River Wildlife Management Area in Payette County and Montour Management Area in Gem County is four (4) cocks.

(7-1-93)

04. WMA Pheasant Permit.

(10-26-94)

a. Permit Requirement. Any person hunting for or having a pheasant in his or her possession on any of the Wildlife Management Areas listed in Subsections 600.02 and 600.03 must have a valid WMA Pheasant Permit in his or her possession.

(10-26-94)

b. Bag Limit. ~~The annual bag limit under this permit is ten (10) cocks~~ WMA Pheasant Permit limit is six (6) cocks. Additional permits may be purchased.

~~(10-26-94)(5-10-00)T~~

c. ~~Reporting. Any person issued a WMA Pheasant Permit must file a hunting report with the Department on a form prescribed by the Department not later than December 31 of the year that the permit is issued. Recording Harvest. Any person harvesting a pheasant on any of the Wildlife Management Areas listed in Subsections 600.02 and 600.03 must immediately record their harvest, in writing, on the back of their permit.~~

~~(10-26-94)(5-10-00)T~~

05. Youth Pheasant Season. This season shall be open statewide.

(7-1-99)

a. The Youth Pheasant Season begins on the first weekend of October and lasts two (2) days. In Areas 2 and 3 listed under this section, the season begins at noon.

(7-1-99)

b. The Youth Pheasant Season shall be open for all licensed hunters 15 years of age or younger. All youth hunters must be accompanied by an adult 18 years or older.

(7-1-99)

c. The Youth Pheasant Season daily bag is one (1) cock.

(7-1-99)

d. The Youth Pheasant Season possession limit after the first day of the season is two (2) cocks.

(7-1-99)

601. CHUKAR PARTRIDGE SEASONS, BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits ~~shall~~ apply statewide:

~~(10-26-94)(5-10-00)T~~

~~**01. Area 1.** Area 1 includes Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Cassia, Clearwater, Elmore, Gem, Gooding, Idaho, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Shoshone, Twin Falls, Valley, and Washington Counties.~~

~~(7-1-93)~~

15. ~~a01.~~ **Season.** ~~Area 1-a~~ Annual season begins the third Saturday of September and lasts through January ~~(7-1-99)~~(5-10-00)T
- ~~b02.~~ **Limit.** ~~Area 1-d~~ Daily bag limit is eight (8). ~~(7-1-93)~~(5-10-00)T
- ~~e03.~~ **Possession Limit.** ~~Area 1-p~~ Possession limit after the first day of the season is sixteen (16). ~~(7-1-93)~~(5-10-00)T
- ~~02.~~ **Area 2.** ~~Area 2 includes Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, and Teton Counties.~~ ~~(7-1-93)~~
- ~~a.~~ ~~Area 2 annual season begins the third Saturday of September and lasts through December 15.~~ ~~(7-1-99)~~
- ~~b.~~ ~~Area 2 daily bag limit is eight (8).~~ ~~(7-1-93)~~
- ~~c.~~ ~~Area 2 possession limit after the first day of the season is sixteen (16).~~ ~~(7-1-93)~~

602. GRAY PARTRIDGE SEASONS, BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits ~~shall~~ apply statewide: ~~(10-26-94)~~(5-10-00)T

~~01.~~ **Area 1.** ~~Area 1 includes Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Cassia, Clearwater, Elmore, Gem, Gooding, Idaho, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Shoshone, Twin Falls, Valley, and Washington Counties.~~ ~~(7-1-93)~~

15. ~~a01.~~ **Season.** ~~Area 1-a~~ Annual season begins the third Saturday of September and lasts through January ~~(7-1-99)~~(5-10-00)T
- ~~b02.~~ **Limit.** ~~Area 1-d~~ Daily bag limit is eight (8). ~~(7-1-93)~~(5-10-00)T
- ~~e03.~~ **Possession Limit.** ~~Area 1-p~~ Possession limit after the first day of the season is sixteen (16). ~~(7-1-93)~~(5-10-00)T
- ~~02.~~ **Area 2.** ~~Area 2 includes Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, Power, and Teton Counties.~~ ~~(7-1-93)~~
- ~~a.~~ ~~Area 2 annual season begins the third Saturday of September and lasts through December 15.~~ ~~(7-1-99)~~
- ~~b.~~ ~~Area 2 daily bag limit is eight (8).~~ ~~(7-1-93)~~
- ~~c.~~ ~~Area 2 possession limit after the first day of the season is sixteen (16).~~ ~~(10-26-94)~~

(BREAK IN CONTINUITY OF SECTIONS)

606. SHARP-TAILED GROUSE SEASONS, BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits shall apply: (5-16-94)

01. Area 1. Area 1 includes the following counties or portions of counties: Ada, Adams, Bannock County west of Interstate 15 and north of Interstate 86, Benewah, Bingham County west of Interstate 15, Blaine, Boise, Bonner, Bonneville County west of Interstate 15, Boundary, Butte, Camas, Canyon, Cassia County west of Interstate 84 north of the Malta-Sublett Road and west of the Malta-Strevell Road, Clark County west of Interstate 15, Clearwater, Custer, Elmore, Gem, Gooding, Idaho, Jefferson County west of Interstate 15, Jerome, Kootenai, Latah,

Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power County north of Interstate 86, Shoshone, Twin Falls, Valley, and Washington County. (5-16-94)

- a. Season for sharp-tailed grouse in Area 1 is CLOSED. (5-16-94)

02. Area 2. Area 2 includes the following counties or portions of counties: Bingham County east of Interstate 15, Bonneville County east of Interstate 15, Clark County east of Interstate 15, Fremont, Jefferson County east of Interstate 15, Madison, ~~and~~ Teton County, Bannock County east of Interstate 15 and south of Interstate 86, Bear Lake County, Caribou County, Cassia County east of Interstate 84 and that portion west of Interstate 84 south of the Malta-Sublett Road and east of the Malta-Strevell Road, Franklin County, Oneida County, and Power County south of Interstate 86. ~~(5-16-94)~~(5-10-00)T

- a. Area 2 annual season begins October 1 and lasts through October ~~16~~31. ~~(7-1-99)~~(5-10-00)T
b. Area 2 daily bag limit is two (2). (5-16-94)
c. Area 2 possession limit after the first day of the season is four (4). (5-16-94)

~~**03. Area 3.** Area 3 includes the following counties or portions of counties: Bannock County east of Interstate 15 and south of Interstate 86, Bear Lake County, Caribou County, Cassia County east of Interstate 84 and that portion west of Interstate 84 south of the Malta-Sublett Road and east of the Malta-Strevell Road, Franklin County, Oneida County, and Power County south of Interstate 86. (5-16-94)~~

- ~~a. Area 3 annual season begins October 1 and lasts through October 31. (7-1-99)
b. Area 3 daily bag limit is two (2). (5-16-94)
c. Area 3 possession limit after the first day of the season is four (4). (5-16-94)~~

(BREAK IN CONTINUITY OF SECTIONS)

615. SANDHILL CRANES.

No person shall hunt sandhill cranes without having in his or her possession the appropriate hunting license and controlled hunt permit. Persons obtaining and using a permit must comply with the following requirements: (7-1-98)

01. Applications. Applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than July 15, annually. (4-5-00)

02. Fees. All applicants for controlled hunts must submit a nonrefundable application fee with their application; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. Successful applicants will be issued a permit that entitles them to hunt. (The ~~Idaho waterfowl validation (waterfowl stamp) and the~~ Federal Migratory Bird Stamp ~~are~~ is not required.) (Idaho Code 36-414; Title 50 Code of Federal Regulations, Part 20.) ~~(7-1-98)~~(5-10-00)T

03. Hunt Rules. (7-1-98)

a. The following rules previously established for wild turkey hunts also apply to sandhill crane hunts. Subsections 100.043.b., 100.043.c., 100.043.d., 100.043.e.ii, 100.043.e.iv. through 100.043.e.vi., and 100.043.f. through 100.043.i. ~~(4-5-00)~~(5-10-00)T

b. Any controlled hunt permits for sandhill cranes that remain unsold after the controlled hunt drawing may be sold by the Department on a first-come, first-served basis. (7-1-98)

616. SANDHILL CRANE SEASONS AND BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits, and permits shall apply: (7-1-98)

01. Controlled Hunts. Controlled hunt areas include the following: (7-1-98)

a. Area 1 includes that portion of Bear Lake County north of State Highway 36 and U.S. Highway 89; and all of Caribou County EXCEPT that portion downstream from the dam at Alexander Reservoir south of U.S. Highway 30, and that portion lying within the Grays Lake Basin. (4-5-00)

b. Area 2 includes that portion of Teton County south and west of State Highway 33 and north of State Highway 31 within two (2) miles of the Teton River. (7-1-99)

c. Area 3 includes that portion of Fremont county within Township 9 North, Range 42 East, and that portion within Township 9 North, Range 42 East north of the Falls River. (4-5-00)

02. Controlled Hunt Seasons, Bag And Possession Limits, And Permits.

HUNT AREA	HUNT NUMBER	SEASON	PERMITS
1	9501	September 1-2	4750
1	9502	September 3-4	4750
1	9503	September 5-6	4750
1	9504	September 7-8	4750
1	9505	September 9-10	4750
1	9506	September 11-12	4750
1	9507	September 13-15	4750
2	9508	September 1, 2, 4, 5, 6, 11, 12 -7	750
3	9509	September 1, 2, 4, 5, 6, 11, 12 8-15	50
3	9510	September 1-7	50
3	9511	September 8-15	50
NOTE: Daily limit, possession limit, season limit - are all 1.			

~~(4-5-00)~~(5-10-00)T

(BREAK IN CONTINUITY OF SECTIONS)

620. EARLY SEPTEMBER CANADA GOOSE SEASONS AND BAG AND POSSESSION LIMITS.

01. General Hunts. General hunts include the following: (7-1-98)

a. Nez Perce County. Nez Perce County within the following boundary: beginning at the Snake River at the Idaho-Washington state line, then north along the Idaho-Washington state line to the Nez Perce-Latah county line, then east along the Nez Perce county line to the Potlatch River, then south along the east bank of the Potlatch River to the Clearwater River, then west along the south bank of the Clearwater River to Lapwai Creek, then south

along Lapwai Creek to Webb Creek Road, then west along Webb Creek Road to Waha Road, then south along Waha Road to Ten-Mile Creek, then northwest along Ten-Mile Creek to the Snake River, the point of beginning. (7-1-98)

02. General Hunt Seasons, Bag And Possession Limits, And Permits. (7-1-98)

a. Season: September ~~5~~2, 19992000 through September ~~11~~8, 19992000. (~~4-5-00~~)(5-10-00)T

b. Possession limit after the first day of the season: Eight (8). (7-1-98)

c. Daily bag limit: Four (4). (7-1-98)

~~03. Controlled Hunts. Controlled hunt areas include the following: (7-1-98)~~

~~a. Area 1 includes that portion of Fremont County within Township 9 North, Range 42 East, and that portion within Township 8 North, Range 42 East north of the Falls River. (7-1-99)~~

~~b. Area 2 includes that portion of Teton County south and west of State Highway 33 and north of State Highway 31 within two (2) miles of the Teton River. (7-1-99)~~

~~04. Controlled Hunt Seasons, Bag And Possession Limits, And Permits.~~

Hunt Area	Hunt Number	Season	Daily Bag Limit	Possession Limit After the First Day of the Season	Permits
1	9601	September 1, 2, 4, 5, 6, 11, 12	2	4	30
2	9602	September 1, 2, 4, 5, 6, 11, 12	2	4	30

(~~4-5-00~~)

(BREAK IN CONTINUITY OF SECTIONS)

800. WILD TURKEY CONTROLLED HUNT AREA DESCRIPTIONS.

01. Hunt Area 901-1, 901-2, and 901-3. All of Game Management Units 1, 2, (except Farragut State Park and Farragut Wildlife Management Area are closed), 3, 4, ~~4A~~, 5, and 6. (~~4-5-00~~)(5-10-00)T

02. Hunt Area 908-1. All of Game Management Units 8, 8A, 10A, 11, 11A, 12, 13, 14, 15, 16, and 18. (5-10-00)T

03. Hunt Area 922-1. All of Game Management Units 22, 23, 31, 32, 32A, 33, and 39. (5-10-00)T

024. Hunt Area 938-1. All of Game Management Unit 38, and that portion of Unit 32 in Payette County. (~~7-1-98~~)(5-10-00)T

035. Hunt Area 954-1. All of Game Management Unit 54. (7-1-98)

046. Hunt Areas 968A-1, 968A-2, and 968A-3. All of Game Management Unit 68A. (~~7-1-98~~)(5-10-00)T

~~057.~~ **Hunt Areas 977-1, 977-2, And 977-3, 977-4, and 977-5.** All of Game Management Units 73, 74, 75, and 77. ~~(4-5-00)~~(5-10-00)T

(BREAK IN CONTINUITY OF SECTIONS)

900. MIGRATORY GAME BIRD SEASONS, BAG AND POSSESSION LIMITS.

The following season, bag, and possession limits shall apply to each species as follows: (7-1-93)

01. Mourning Dove. (7-1-93)

a. The following season dates apply STATEWIDE: September 1 through September 30, annually. (10-26-94)

b. Daily bag limit is ten (10). (7-1-93)

c. Possession limit after the first day of the season is twenty (20). (7-1-93)

02. Ducks Including Mergansers And American Coot. (7-1-93)

a. Area 1 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties: Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and, all lands, including private holdings, within the Fort Hall Indian Reservation. ~~Area 1 1997 season for ducks (including mergansers) and American coot: October 4, 1997 through January 17, 1998.~~ (7-1-99)(5-10-00)T

b. Area 2 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 2 and includes the following counties or portions of counties: Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of State Highway 75, south and east of U.S. Highway 93, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou EXCEPT the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties. ~~Area 2 1997 season for ducks (including Mergansers) and American coot: October 4, 1997 through January 17, 1998.~~ (7-1-99)(5-10-00)T

c. Area 3 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 3 and includes the following counties or portions of counties: Ada; those portions of Blaine between State Highway 75 and U.S. Highway 93 south of U.S. Highway 20, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 within the Silver Creek drainage; Boise; Canyon; Cassia EXCEPT the Minidoka National Wildlife Refuge; Elmore EXCEPT the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties. ~~Area 3 1997 season for ducks (including mergansers) and American coot: October 4, 1997 through January 17, 1998.~~ (7-1-99)(5-10-00)T

d. ~~Statewide daily bag limits in Area 1, 2 and 3 for ducks (including mergansers) is seven (7) of any kind and shall not include more than the following: Please see the Waterfowl brochure, which contains the Commission's proclamation setting seasons, bag and possession limits.~~ (7-1-98)(5-10-00)T

~~i. Two (2) female mallards;~~ (7-1-99)

~~ii. Three (3) pintails;~~ (7-1-99)

~~iii. One (1) canvasback;~~ (8-22-94)

- ~~iv. Two (2) redheads. (8-22-94)~~
- ~~e. Statewide bag limit in Area 1, 2, and 3 for American coot: Twenty five (25). (8-22-94)~~
- ~~f. Statewide possession limits after the first day of the season: (7-1-93)~~
- ~~i. Ducks (including mergansers): Twice the daily bag limit. (7-1-93)~~
- ~~ii. American coot: Twenty five (25). (7-1-93)~~
- 03. Common Snipe. (7-1-93)**

a. Area 1 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties or portions of counties: Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and all lands, including private holdings, within the Fort Hall Indian Reservation. ~~Area 1 1997 season for common snipe: October 4, 1997, through January 17, 1998. (7-1-99)(5-10-00)T~~

b. Area 2 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 2 and includes the following counties or portions of counties: Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of State Highway 75, south and east of U.S. Highway 93, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou EXCEPT the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties. ~~Area 2 1997 season for common snipe: October 4, 1997, through January 17, 1998. (7-1-99)(5-10-00)T~~

c. Area 3 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 3 and includes the following counties or portions of counties: Ada; those portions of Blaine between State Highway 75 and U.S. Highway 93 south of U.S. Highway 20, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 within the Silver Creek drainage; Boise; Canyon; Cassia EXCEPT the Minidoka National Wildlife Refuge; Elmore EXCEPT the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties. ~~Area 3 1997 season for common snipe: October 4, 1997 through January 17, 1998. (7-1-99)(5-10-00)T~~

d. ~~Statewide daily bag limit for Area 1, 2, and 3 for common snipe: Eight (8). Please see the Waterfowl brochure, which contains the Commission's proclamation setting seasons, bag and possession limits. (8-22-94)(5-10-00)T~~

~~e. Statewide possession limit after the first day of the season for Area 1, 2, and 3 for common snipe: Sixteen (16). (8-22-94)~~

04. Geese Including Dark Geese - Black Brant, Canada, Emperor, And White-fronted, And Light Geese - Ross' And Snow: (9-1-93)

a. Area 1 includes the following counties: Benewah; Bonner; Boundary; Clearwater; Idaho; Kootenai; Latah; Lewis; Nez Perce; and Shoshone Counties. (9-1-93)

b. Area 2 includes the following counties or portions of counties: Ada; Adams; Boise; Canyon; those portions of Elmore north and east of Interstate 84, and south and west of Interstate 84 west of State Highway 51, EXCEPT that portion within the Camas Creek drainage; Gem; Owyhee west of State Highway 51; Payette; Valley; and Washington Counties. (9-1-93)

c. Area 3 includes the following counties or portions of counties: Blaine; Camas; Cassia; those portions of Elmore south of Interstate 84 east of State Highway 51, and within the Camas Creek drainage; Gooding;

Jerome; Lincoln; Minidoka; Owyhee east of State Highway 51; Power within the Minidoka National Wildlife Refuge; and Twin Falls Counties. (7-1-99)

d. Area 4 includes the following counties or portions of counties: Bear Lake; Bingham within the Blackfoot Reservoir drainage; Bonneville; Butte; Caribou EXCEPT the Fort Hall Indian Reservation; Clark; Custer; Franklin; Fremont; Jefferson; Lemhi; Madison; Oneida; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; and Teton Counties. EXCEPT, Fremont and Teton Counties are CLOSED to the taking of light geese. (7-1-99)

e. Area 5 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties or portions of counties: Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and, all lands, including private holdings, within the Fort Hall Indian Reservation. (7-1-93)

f. ~~1997 seasons:~~ Please see the Waterfowl brochure, which contains the Commission's proclamation setting seasons, bag and possession limits. ~~(7-1-99)~~(5-10-00)T

~~i. Area 1: October 4, 1997 through January 11, 1998. (7-1-99)~~

~~ii. Area 2: October 4, 1997 through January 11, 1998. (7-1-99)~~

~~iii. Area 3: October 4, 1997 through January 11, 1998. (7-1-99)~~

~~iv. Area 4: October 4, 1997 through January 11, 1998. (7-1-99)~~

~~v. Area 5: October 10, 1997 through January 17, 1998. (7-1-99)~~

~~g. Daily bag limit: (7-1-93)~~

~~i. Areas 1, 4, and 5: Four (4) of any kind and shall not include more than three (3) light geese or two (2) white fronted geese. (7-1-98)~~

~~ii. Area 2: three (3) of any kind and shall not include more than two (2) white fronted geese. (7-1-98)~~

~~iii. Area 3: Three (3) of any kind and shall not include more than two (2) dark geese. (7-1-98)~~

~~h. Possession limit after the first day of the season: (7-1-93)~~

~~i. Areas 1, 4 and 5: Eight (8) of any kind and shall not include more than six (6) light geese or four (4) white fronted geese. (7-1-98)~~

~~ii. Area 2: Six (6) of any kind and shall not include more than four (4) white fronted geese. (7-1-98)~~

~~iii. Area 3: Six (6) of any kind and shall not include more than four (4) dark geese. (7-1-98)~~

05. Youth Waterfowl Hunting Day. (8-19-96T)

a. The youth waterfowl hunting day is open only to youth from twelve (12) through fifteen (15) years of age. Any youth participating must: (7-1-98)

i. Have in his or her possession the appropriate, valid hunting license. (The Idaho Migratory Waterfowl Stamp and the Federal Migratory Bird stamp are not required (Idaho Code 36-414; Title 50 Code of Federal Regulations, Part 20)). (7-1-98)

ii. 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. (7-1-98)

- ~~iii. Season: Last Saturday of September, annually. (7-1-98)~~
- ~~iv. Daily Bag Limit. (7-1-98)~~
- ~~(1) Ducks including mergansers: The statewide daily bag limit is the same as the limit described in Subsection 900.02.d. (7-1-98)~~
- ~~(2) American Coot. The statewide daily bag limit is the same as the limit described in Subsection 900.02.e. (7-1-98)~~
- b. Please see the Waterfowl brochure, which contains the Commission's proclamation setting seasons, bag and possession limits. (5-10-00)T

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of this temporary rule is March 13, 2000.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 18, 2000.

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 the required finding and concise statement of the supporting reasons for the proposed rulemaking:

To add new required sections, to do a biannual update of fishing seasons, bag limits, and possession limits and the removal of obsolete rules.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The temporary is necessary to repeal obsolete rules and because it confers a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule and proposed rulemaking, contact Bill Horton at 334-3791.

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 25, 2000.

DATED this 18th day of August, 2000.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715/FAX: 208-334-2148

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0111-0001

005. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule.

(3-13-00)T

006. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707.

(3-13-00)T

0057. -- 100. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

299. TWO POLE BAG AND POSSESSION LIMITS, SEASONS, WATERS, AND METHODS OF GEAR.

01. Bag And Possession Limits. Holders of the two (2) pole validation shall have the same bag and possession limit as the general bag and possession limits and regional exceptions (~~see Sections 202, 310, 315, 320, 325, 330, 335, and 340~~) whether using one (1) or two (2) poles. Please see Fishing brochure, which contains the Commission's proclamation setting seasons, bag, and possession limits, and regional exceptions. (~~7-1-99~~)(3-13-00)T

02. Seasons. The two (2) pole validation shall only be valid on waters which are open to fishing under the general fishing seasons and regional exception, except two (2) poles or rods shall not be used to fish for adult anadromous fish (salmon or steelhead). (7-1-99)

03. Waters. The two (2) pole validation is valid on all waters open to fishing under general rules and regional exceptions, except not valid for adult anadromous fish. (7-1-99)

04. Methods And Gear. The restrictions of Section 201 shall apply to the use of two (2) poles under the two (2) pole validation, except for the number of handlines or poles. (7-1-99)

300. GENERAL FISHING SEASONS.

The following general seasons apply to all waters of the state, except as listed in "Regional Exceptions". (3-20-97)

01. Lakes, Ponds and Reservoirs (including Alpine Lakes). Extends ONLY to the edge of flat waters, excluding small, unnamed irrigation diversion ponds, beaver ponds and mill ponds.
OPEN ALL YEAR (3-20-97)

02. Ditches And Canals. Man-made structures used to transport water for irrigation or hydropower purposes.
OPEN ALL YEAR (3-20-97)

03. Rivers And Streams. Small, unnamed irrigation diversion ponds, beaver ponds and mill ponds have the same season as the river or stream on which they are located.

Saturday of Memorial Day Weekend through November 30

~~1998~~2000: May 23~~7~~-November 30

~~1999~~2001: May 29~~6~~-November 30

(~~7-1-99~~)(3-13-00)T

04. General Whitefish Season. Fishing gear or bait restrictions which apply to a river or stream section during the season open for other species apply during the whitefish season.

~~1998~~2000: January 1-March 31 and: May 23~~7~~-December 31

~~1999~~2001: January 1-March 31 and: May 29~~6~~-December 31

NOTE: Whitefish or brook trout may also be taken in any waters during seasons open for other species, including reduced bag limit or size restricted waters, closed to harvest, and catch-and-release waters. ~~(7-1-99)~~(3-13-00)T

05. General Steelhead Season. See Rule Sections 400 through 499. (3-20-97)

06. Bullfrogs, Crayfish And Nongame Fish. Bullfrogs, crayfish, and nongame fish may be taken ONLY during the season set for the taking of game fish in those waters. (3-20-97)

(BREAK IN CONTINUITY OF SECTIONS)

310. PANHANDLE REGION EXCEPTIONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons and regional exceptions by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-13-00)T

~~**01. Special Seasons.** Whitefish: Statewide whitefish season applies ONLY in the St. Joe, North Fork Coeur d'Alene, Little North Fork Coeur d'Alene, St. Maries, and Moyie rivers. Whitefish may be taken in other waters only during seasons open for other species in those waters. (3-20-97)~~

~~**02. Panhandle Region Exceptions Table.**~~

Water	Species	Open Season Dates	Possession Limits	Special Rule
ANDERSON LAKE (Includes the channel to, but does not extend into the Coeur d'Alene River)	BASS	Jan 1 Jun 30 Jul 1 Dec 31	0 2	CLOSED TO HARVEST. NONE between 12" 16".
ANTELOPE LAKE				Electric motors ONLY
AVONDALE LAKE	BASS			Any size bass may be kept.
BALL CREEK (Kootenai River)	KOKANEE			CLOSED TO HARVEST.
BEAUTY CREEK		Jul 1-Nov 30		
BEAVER CREEK and its tributaries (Priest Lake)	TROUT	Jul 1-Aug 31	2	Artificial flies and lures with one (1) barbless hook ONLY per fly or lure.
BENEWAH CREEK and its tributaries		CLOSED TO FISHING		
BLANCHARD CREEK DRAINAGE		OPEN ALL YEAR		
BLOOM LAKE	BROOK TROUT			Must be counted in trout limit. Bonus brook trout does not apply.
BLUE LAKE (Priest River)				Electric motors ONLY
BLUE LAKE (Includes the channel to, but does not extend into the Coeur d'Alene River)	BASS		2	NONE under 20".

Water	Species	Open Season Dates	Possession Limits	Special Rule
BONNER LAKE	<i>TROUT</i>	<i>Last Saturday in Apr-Nov 30</i>	2	<i>NONE under 14"; Artificial flies and lures with one (1) hook ONLY per fly or lure (No bait); Electric motors ONLY.</i>
BRUSH LAKE				<i>Electric motors ONLY.</i>
CARIBOU CREEK and its tributaries (Thorofare River)		CLOSED TO FISHING		
CARLIN CREEK		<i>Jul 1-Nov 30</i>		
CHASE LAKE	<i>BASS</i>	<i>Jan 1-Jun 30</i> <i>Jul 1-Dec 31</i>	0 2	CLOSED TO HARVEST. <i>NONE between 12"-16".</i>
CLARK FORK RIVER				
Posted area adjacent to Cabinet Gorge Hatchery		CLOSED TO FISHING		
From the river's mouth (mouth is defined as an imaginary line from navigational marker 7 on the south, through the marked piling, to Bearpaw Point on the north) upstream to the railroad bridge at Clark Fork		<i>Saturday of Memorial Day Weekend-Sep 30</i>		
	<i>BULL TROUT</i>		0	CLOSED TO HARVEST.
	<i>TROUT includes brown, cutthroat, lake (Macknaw), rainbow and trout hybrids</i>		4	<i>May not include more than two (2) rainbow. No rainbow trout under 20".</i>
From railroad bridge at Clark Fork upstream	<i>BULL TROUT</i>		0	CLOSED TO HARVEST.
	ALL OTHER SPECIES	OPEN ALL YEAR		
	<i>TROUT</i>			<i>All rainbow over 20" must be released immediately.</i>
COCOLALLA SLOUGH (to the edge of slack water)		OPEN ALL YEAR		
COEUR D'ALENE LAKE (The lake extends to State Highway 97 on the east; to the dike road on Mica Creek, to Highway 95 on Cougar Creek, and to markers on streams and the orange pilings at the Spokane River on the north and west; and includes Hidden, Round, Chatcolet and Benewah lakes, as well as the St. Joe River to State Highway 3 bridge at St. Maries on the south.) NOTE: Mouths of streams for a radius of 100 yards into the lake have the same season as the particular stream. Beauty, Benewah, Carlin, Lake, Plummer, and Wolf Lodge creeks have special trout rules.				
	<i>TROUT EXCEPT Chinook And Kokanee</i>		1	<i>NOT under 14".</i>

<i>Water</i>	<i>Species</i>	<i>Open Season Dates</i>	<i>Possession Limits</i>	<i>Special Rule</i>
	KOKANEE		25	<i>Per day, 50 in possession.</i>
	CHINOOK		2	
COEUR D'ALENE RIVER DRAINAGE including all tributaries, EXCEPT in catch-and-release waters:				
	KOKANEE		25	<i>Per day, 50 in possession.</i>
	CHINOOK		2	
NOTE: Tributaries do not include connecting channels to lateral lakes associated with the river.				
COEUR D'ALENE RIVER				
Mainstem from the State Highway 97 bridge near Harrison upstream to the railroad bridge on the North Fork and the Forest Highway 9 bridge on the South Fork near the confluence of the North and South Forks at Enaville				
	CUTTHROAT	Jul 1-Sep 10	±	<i>NOT under 14", must be counted in trout limit.</i>
	ALL OTHER SPECIES	Jul 1-Nov 30		
Tributaries from the Highway 97 bridge near Harrison upstream to the railroad bridge on the North Fork and the Forest Highway 9 bridge on the South Fork near the confluence of the South and North Forks at Enaville				
Jul 1-Nov 30				
COEUR D'ALENE RIVER, LITTLE NORTH FORK				
	CUTTHROAT	Saturday of Memorial Day Weekend-Sep 10	±	<i>NOT under 14", must be counted in trout limit.</i>
Tributaries from the confluence with the North Fork upstream to Laverne Creek				
Jul 1-Nov 30				
Entire drainage upstream from and including Laverne Creek				
CATCH-AND-RELEASE.				
COEUR D'ALENE RIVER, NORTH FORK				
	CUTTHROAT	Saturday of Memorial Day Weekend-Sep 10	±	<i>NOT under 14", must be counted in trout limit.</i>
Tributaries from the railroad bridge at Enaville upstream to Yellow Dog Creek, excluding the Little North Fork				
Jul 1-Nov 30				
Entire drainage upstream from and including Yellow Dog Creek				
CATCH-AND-RELEASE.				
COEUR D'ALENE RIVER, SOUTH FORK				
	CUTTHROAT	Saturday of Memorial Day Weekend-Sep 10	±	<i>NOT under 14", must be counted in trout limit.</i>

IDAHO ADMINISTRATIVE BULLETIN
Rules Governing Fish

Docket No. 13-0111-0001
Temporary and Proposed Rule

Water	Species	Open Season Dates	Possession Limits	Special Rule
—Tributaries		Jul 1–Nov 30		
DAWSON LAKE				<i>Electric motors ONLY.</i>
DAY ROCK POND		OPEN ALL YEAR		
DEEP CREEK — From McArthur Reservoir Dam downstream to U.S. Highway 95		CLOSED TO FISHING		
DENTON SLOUGH		OPEN ALL YEAR		
ELSIE LAKE				<i>Electric motors ONLY.</i>
FERNAN LAKE	BASS			<i>Any size bass may be kept.</i>
FERNAN LAKE OUTLET — (downstream from the lake end of the culvert at the I-90 crossing)		Saturday of Memorial Day Weekend–Nov 30		
FREEMAN LAKE				<i>Electric motors ONLY.</i>
GAMBLE LAKE				<i>Electric motors ONLY.</i>
GENE DAY POND		OPEN ALL YEAR		
GILLON CREEK DIVERSION — From Gillon Creek to Robinson Lake		CLOSED TO FISHING		
GLIDDEN LAKES — (Upper and Lower)				<i>Electric motors ONLY.</i>
GOLD CREEK (Pond Oreille Lake) including North and West Gold creeks and all tributaries		CLOSED TO FISHING		
GOLD POND — (Shoshone County)		OPEN ALL YEAR		
GRANITE CREEK and its tributaries Pend Oreille Lake)	TROUT	Saturday of Memorial Day Weekend–Aug 31	2	
GRANITE CREEK and its tributaries (Priest Lake)	TROUT	Jul 1–Aug 31	2	<i>Artificial flies and lures with one (1) barbless hook ONLY per fly or lure.</i>
GRANITE LAKE	BASS	Jan 1–Jun 30 Jul 1–Dec 31	0 2	<i>Electric motors ONLY. CLOSED TO HARVEST. NONE between 12"–16".</i>
GROUSE CREEK and its tributaries	TROUT	Saturday of Memorial Day Weekend–Aug 31	2	
—100 yards upstream and downstream from Grouse Creek Falls		CLOSED TO FISHING		
HAUSER LAKE OUTLET downstream from East Hauser Lake Road		OPEN ALL YEAR		<i>Any size fish may be kept.</i>

Water	Species	Open Season Dates	Possession Limits	Special Rule
HAYDEN CREEK <i>and its tributaries</i>		CLOSED TO FISHING		
HAYDEN LAKE	BASS	<i>Jan 1-Jun 30</i>	0	CLOSED TO HARVEST. <i>NONE between 12"-16".</i>
		<i>Jul 1-Dec 31</i>	2	
	CRAPPIE		15	<i>NONE under 10".</i>
	NORTHERN PIKE		<i>No limit.</i>	
	TROUT	<i>Last Saturday in Apr-Nov 30</i>	2	<i>NONE under 14".</i>
HAYDEN LAKE INLETS <i>(Includes tributaries and all waters extending into the lake to markers at mouths of Hayden, Mokins, and Yellowbanks creeks)</i>		CLOSED TO FISHING		
HAYDEN LAKE OUTLET		OPEN ALL YEAR		<i>Any size fish may be kept.</i>
INDIAN CREEK <i>and its tributaries (Priest Lake)</i>	TROUT	<i>Jul 1-Aug 31</i>	2	<i>Artificial flies and lures with one-barbless hook ONLY per fly or lure.</i>
JEWEL LAKE	ALL SPECIES	<i>Last Saturday in Apr-Nov 30</i>		<i>Electric motors ONLY.</i> <i>Artificial flies and lures with one (1)-barbless hook ONLY per fly or lure.</i>
	TROUT		2	<i>NONE under 14".</i>
KALISPELL CREEK <i>and its tributaries</i>	TROUT	<i>Jul 1-Aug 31</i>	2	<i>Artificial flies and lures with one (1)-barbless hook ONLY per fly or lure.</i>
KELSO LAKE	BASS	<i>Jan 1-Jun 30</i>	0	<i>Electric motors ONLY.</i> CLOSED TO HARVEST. <i>NONE between 12"-16".</i>
		<i>Jul 1-Dec 31</i>	2	
KOOTENAI RIVER		OPEN ALL YEAR		
	BURBOT		0	CLOSED TO HARVEST.
	STUGEON	CLOSED TO FISHING		
LAKE CREEK <i>and its tributaries</i>		CLOSED TO FISHING		
LIGHTNING CREEK <i>and its tributaries, excluding Spring Creek above the State fish hatchery</i>	TROUT	<i>Saturday of Memorial Day Weekend-Aug 31</i>	2	
LION CREEK <i>and its tributaries</i>	TROUT	<i>Jul 1-Aug 31</i>	2	<i>Artificial flies and lures with one (1)-barbless hook ONLY per fly or lure.</i>
LITTLE ROUND LAKE <i>(Bonner County)</i>	BASS	<i>Jan 1-Jun 30</i>	0	CLOSED TO HARVEST. <i>NONE between 12-16".</i>
		<i>Jul 1-Dec 31</i>	2	

Water	Species	Open Season Dates	Possession Limits	Special Rule
LONG CANYON CREEK	<i>KOKANEE</i>		0	<i>CLOSED TO HARVEST.</i>
MARBLE CREEK —Mainstem	<i>CUTTHROAT</i>	<i>Saturday of Memorial Day Weekend-Sep 10</i>	1	<i>NOT under 14" and must be counted in trout limit.</i>
—Tributaries		<i>Jul 1-Nov 30</i>		
McARTHUR RESERVOIR —Outlet (See Deep Creek)		<i>CLOSED TO FISHING</i>		
—Posted area at dam and boat dock		<i>OPEN ALL YEAR</i>		<i>Fishing from shoreline ONLY.</i>
—Remaining water		<i>Jan 1-Mar 15 Jul 1-Dec 31</i>		
MIRROR LAKE	<i>BROOK TROUT</i>			<i>Electric motors ONLY. Must be counted in trout limit. Bonus brook trout does not apply.</i>
MISSION CREEK (Kootenai River)	<i>KOKANEE</i>		0	<i>CLOSED TO HARVEST.</i>
MISSION SLOUGH (Coeur d'Alene River)	<i>BASS</i>			<i>Any size bass may be kept.</i>
MOKINS CREEK and its tributaries		<i>CLOSED TO FISHING</i>		
MOYIE RIVER —From mouth of Meadow Creek downstream to the posted boundary at the upper end of the Moyie Dam Reservoir	<i>TROUT</i>		2	
—Downstream from Moyie Dam		<i>OPEN ALL YEAR</i>		
MYRTLE CREEK	<i>KOKANEE</i>		0	<i>CLOSED TO HARVEST.</i>
NORTH GOLD CREEK and its tributaries (Pend Oreille Lake)		<i>CLOSED TO FISHING</i>		
PACK RIVER —The mainstem, from the Burlington Northern Railroad bridge at its mouth, upstream	<i>TROUT</i>	<i>Saturday of Memorial Day Weekend Aug 31</i>	2	
PARKER CREEK (Kootenai River)	<i>KOKANEE</i>		0	<i>CLOSED TO HARVEST.</i>

Water	Species	Open Season Dates	Possession Limits	Special Rule
PEND OREILLE LAKE —Mouths of streams for a radius of 100 yards into the lake, or to the orange markers, have the same seasons as the streams. Clark Fork and Paek rivers, Gold, Granite, Grouse, Lightning, North and West Gold, Rapid Lightning, and Trestle creeks have special seasons and limits.				
—Harvest of rainbow from a boat, raft or float tube allowed only:		Last Saturday in Apr-Nov 30		
	BULL TROUT		0	CLOSED TO HARVEST.
	TROUT includes brown, cutthroat, lake (Macknaw), rainbow, and trout hybrids		4	May not include more than two (2) rainbow. NO rainbow under 20". Recommend release of fin-clipped rainbow trout.
	KOKANEE		25	Per day, 50 in possession
PEND OREILLE RIVER —Downstream from the railroad bridge at Sandpoint		OPEN ALL YEAR		
PERKINS LAKE	BROOK TROUT			Electric motors ONLY. Must be counted in trout limit. Bonus brook trout does not apply.
PINE POND —(Shoshone County)		OPEN ALL YEAR		
PLUMMER CREEK		Jul 1-Nov 30		
PORCUPINE LAKE		Electric motors ONLY.		
PRIEST LAKE —(See also: Upper Priest Lake and Thorofare River)		Last Saturday in Apr-Nov 30 and while ice fishing		
	CUTTHROAT		0	CLOSED TO HARVEST.
	LAKE TROUT		2	
PRIEST RIVER —downstream from the Priest Lake outlet dam		OPEN ALL YEAR		
RAPID LIGHTNING CREEK and its tributaries		Saturday of Memorial Day Weekend-Aug 31		
ROBINSON LAKE		Jan 1-Jun 30	0	Electric motors ONLY.
		Jul 1-Dec 31	2	CLOSED TO HARVEST. NONE under 16".
—Diversion from Gillon Creek to Robinson Lake		CLOSED TO FISHING		

Water	Species	Open Season Dates	Possession Limits	Special Rule
ROMAN NOSE LAKE #3				Electric motors ONLY
ROUND LAKE (Round Lake State Park)				Electric motors ONLY
ST. JOE RIVER				
From Coeur d'Alene Lake upstream to State Highway 3 bridge at St. Maries (also see Benewah Creek)		OPEN ALL YEAR		
	TROUT EXCEPT CHINOOK AND KOKANEE		±	NOT under 14"
	KOKANEE		25	Per day, 50 in Possession
	CHINOOK		2	
From State Highway 3 bridge at St. Maries upstream to and including Prospector Creek				
Mainstem	CUTTHROAT	Saturday of Memorial Day Weekend Sep 10	±	NOT under 14", must be counted in trout limit
	CHINOOK		2	
Tributaries EXCEPT the North Fork of the St. Joe River, Marble Creek, and St. Maries River		Jul 1-Nov 30		
Entire drainage upstream from Prospector Creek, including tributaries (excluding mountain lakes)				CATCH AND RELEASE
ST. JOE RIVER, NORTH FORK				
Mainstem	CUTTHROAT	Saturday of Memorial Day Weekend Sep 10	±	NOT under 14", must be counted in trout limit
Tributaries		Jul 1-Nov 30		
ST. MARIES RIVER and its tributaries				
Mainstem from its mouth upstream to the railroad bridge crossing at Lotus (about 1.5 miles above slack water)		ALL SPECIES EXCEPT Cutthroat	OPEN ALL YEAR	
	CUTTHROAT	Saturday of Memorial Day Weekend Sep 10	±	Not under 14", must be counted in trout limit
	CHINOOK		2	
Mainstem upstream from the railroad bridge crossing at Lotus		CUTTHROAT	Saturday of Memorial Day Weekend Sep 10	±
Tributaries		Jul 1-Nov 30		

IDAHO ADMINISTRATIVE BULLETIN
Rules Governing Fish

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Temporary and Proposed Rule

Water	Species	Open Season Dates	Possession Limits	Special Rule
SHEPHERD LAKE				Electric motors ONLY.
SINCLAIR LAKE				Electric motors ONLY.
SMITH CREEK (Kootenai River)	KOKANEE		0	CLOSED TO HARVEST.
SMITH LAKE	BASS			Electric motors ONLY. Any size bass may be kept.
SPIRIT LAKE	KOKANEE		25	Per day, 50 in possession.
SPIRIT LAKE OUTLET		OPEN ALL YEAR		
SPOKANE RIVER — From state line upstream to Post Falls Dam	TROUT	Saturday of Memorial Day Weekend Feb 28	2	
— From Post Falls Dam upstream to the orange piling near the east end of Harbor Island	TROUT	Jul 1-Nov 30	±	NOT under 14".
	ALL OTHER SPECIES	OPEN ALL YEAR		
— From the orange piling near the east end of Harbor Island upstream to the orange pilings at Coeur d'Alene Lake, including Blackwell Channel	ALL SPECIES	Jul 1-Nov 30		
	TROUT		±	NOT under 14".
THOROFARE RIVER (Priest Lake and Upper Priest Lakes)		CLOSED TO FISHING		
TRAPPER CREEK and its tributaries (Priest Lake)		CLOSED TO FISHING		
TRESTLE CREEK and its tributaries		CLOSED TO FISHING		
TROUT CREEK (Kootenai River)	KOKANEE		0	CLOSED TO HARVEST.
TWIN LAKES OUTLET — Downstream from the dam above Gunning Road		OPEN ALL YEAR		
TWO MOUTH CREEK and its tributaries	TROUT	Jul 1-Aug 31	2	Artificial flies and lures with one (1) barbless hook ONLY per fly or lure.
UPPER PRIEST LAKE — NOTE: Caribou and Trapper Creeks and Thorofare and Upper Priest Rivers including tributaries, CLOSED to fishing entire year.				CATCH AND RELEASE.

Water	Species	Open Season Dates	Possession Limits	Special Rule
UPPER PRIEST RIVER and its tributaries		CLOSED TO FISHING		
WEST GOLD CREEK and its tributaries (Pend Oreille Lake)		CLOSED TO FISHING		
WOLF LODGE CREEK and its tributaries, including sloughs and connecting waters downstream to State Highway 97 bridge		CLOSED TO FISHING		
YELLOWBANKS CREEK and its tributaries		CLOSED TO FISHING		

(7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

315. CLEARWATER REGION EXCEPTIONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons and regional exceptions by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

(3-13-00)T

~~01. Special Seasons - None.~~

(3-20-97)

~~02. Clearwater Region Exceptions Table.~~

Water	Species	Open Season Dates	Possession Limits	Special Rules
BREAKFAST CREEK and its tributaries	KOKANEE		0	CLOSED TO HARVEST.
	TROUT		2	
CLEAR CREEK - From its mouth to 100 yards upstream from the weir at the fish hatchery		CLOSED TO FISHING		
CLEARWATER RIVER. NOTE: Rainbow trout over 20" are considered steelhead and may be kept ONLY during open steelhead harvest season.	BASS			Any size bass may be kept.
- From its mouth upstream to the Clearwater River bridge at Orofino		OPEN ALL YEAR		Only barbless hooks may be used from Sep 1-Apr 30.
- Shoreline along the perimeter of Dworshak Fish Hatchery		CLOSED TO FISHING		

Water	Species	Open Season Dates	Possession Limits	Special Rules
From the Clearwater River bridge at Orofino upstream to the mouth of Clear Creek		OPEN ALL YEAR		No motors. Only barbless hooks may be used from Sep 1-Apr 30.
CLEARWATER RIVER, LITTLE NORTH FORK and its tributaries	KOKANEE		0	CLOSED TO HARVEST.
	TROUT		2	
CLEARWATER RIVER, NORTH FORK				
Shoreline along the perimeter of Dworshak Fish Hatchery		CLOSED TO FISHING		
Mainstem from the posted boundary, approximately 150 yards upstream from the mouth, upstream to the Ahsahka Highway bridge.		Jan 1-May 31 Aug 1-Dec 31		Fishing from west shoreline ONLY. Barbless hooks only may be used from Sep 1-Apr 30.
Mainstem from the Ahsahka Highway bridge upstream to Dworshak Dam		OPEN ALL YEAR		Only barbless hooks may be used from Sep 1-Apr 30.
Mainstem from the upper end of flat water in Dworshak Reservoir upstream	ALL SPECIES	Saturday of Memorial Day Weekend Nov 30		Artificial flies and lures with one barbless hook ONLY per fly or lure.
	TROUT		2	NONE under 14".
	KOKANEE		0	CLOSED TO HARVEST.
	WHITEFISH ONLY	Dec 1-Mar 31		Artificial flies and lures with one hook ONLY per fly or lure. Insects and insect larvae may be used with one barbless hook ONLY. No other bait allowed.
All tributaries	KOKANEE		0	CLOSED TO HARVEST.
All tributaries EXCEPT Kelly, Lake, and Steep creeks (see listings)	TROUT		2	
CROOKED CREEK (tributary to Salmon River)				
From mouth upstream to and including Big Creek	TROUT		2	
From Big Creek upstream	TROUT		6	
CROOKED FORK CREEK				
Mainstem from its mouth to Brushy Fork Creek	ALL SPECIES	Saturday of Memorial Day Weekend Nov 30		CATCH AND RELEASE.
	WHITEFISH			May be taken ONLY during season open for other species.

Water	Species	Open Season Dates	Possession Limits	Special Rules
Mainstem from Brushy Fork Creek upstream and all tributaries including Brushy Fork Creek	<i>TROUT</i>	<i>Jul 1-Nov 30</i>	<i>2</i>	
CROOKED RIVER (tributary to South Fork Clearwater River. Also see Five Mile Pond listing)				
From mouth to fish weir (approx. 400 yards)		CLOSED TO FISHING		
Mainstem and tributaries upstream from fish weir	<i>TROUT</i>		<i>2</i>	
DWORSHAK RESERVOIR				
From Dworshak Dam to Grandad bridge	<i>KOKANEE</i>		<i>25</i>	<i>Per day, 50 in possession.</i>
	<i>BASS</i>			<i>Any size bass may be kept.</i>
From Grandad bridge upstream to end of flat water	<i>ALL SPECIES</i>	<i>Saturday of Memorial Day Weekend-Nov 30</i>		
	<i>KOKANEE</i>		<i>25</i>	<i>Per day, 50 in possession.</i>
	<i>BASS</i>			<i>Any size bass may be kept.</i>
	<i>TROUT</i>		<i>6</i>	<i>Only 2 may be cutthroat trout.</i>
ELK CREEK (tributary to Dworshak Reservoir) and its tributaries (above and below Elk Creek Reservoir)				
	<i>BROOK TROUT</i>		<i>6</i>	<i>Must be counted in trout limit. Bonus brook trout does not apply.</i>
	<i>KOKANEE</i>		<i>0</i>	CLOSED TO HARVEST.
ELK CREEK RESERVOIR				
	<i>BASS</i>	<i>Jan 1-Jun 30</i>	<i>0</i>	<i>Electric motors ONLY.</i>
		<i>Jul 1-Dec 31</i>	<i>2</i>	CLOSED TO HARVEST. <i>NONE between 12"-16".</i>
FISH LAKE (Cedars area)				
		<i>Aug 1-Nov 30</i>		<i>No motors.</i>
FIVE MILE POND (Crooked River drainage)				
	<i>TROUT</i>	<i>Saturday of Memorial Day Weekend-Nov 30</i>	<i>6</i>	
GRANITE CREEK (tributary to Snake River) and its tributaries				
	<i>TROUT</i>		<i>2</i>	
JOHNS CREEK (tributary to South Fork Clearwater River) and its tributaries				
	<i>TROUT</i>		<i>2</i>	

Water	Species	Open Season Dates	Possession Limits	Special Rules
KELLY CREEK and its tributaries		Saturday of Memorial Day Weekend Nov 30		CATCH-AND-RELEASE.
	WHITEFISH			May be taken ONLY during seasons open for other species.
LAKE CREEK — From Goose Creek to Fish Lake including all tributaries (Cedars area)	TROUT	Aug 1-Nov 30	2	
LOCHSA RIVER — Mainstem from mouth upstream to Wilderness Gateway Campground Motor bridge (near Highway 12 mile post 122)	TROUT	Saturday of Memorial Day Weekend Nov 30	2	Artificial flies and lures with one barbless hook ONLY per fly or lure.
	WHITEFISH ONLY	Dec 1-Mar 31		Insects and insect larvae may be used with one barbless hook ONLY. No other bait allowed.
— Mainstem upstream from Wilderness Gateway Campground Motor bridge (including Crooked Fork Creek from mouth to Brushy Fork Creek)		Saturday of Memorial Day Weekend Nov 30		CATCH-AND-RELEASE.
	WHITEFISH			May be taken ONLY during seasons open for other species.
— From 100 yards downstream of fish weir upstream to the Twin Bridges crossing Crooked Fork and White Sands creeks		CLOSED ALL YEAR		
— All tributaries including White Sand Creek EXCEPT Crooked Fork Creek (see Crooked Fork Creek)	TROUT	Jul 1-Nov 30	2	
MANN LAKE				Electric motors ONLY. NO BOATS from Oct 1- Dec 31.
MOOSE CREEK RESERVOIR	BASS		2	Electric motors ONLY. NONE under 20".
PALOUSE RIVER and its tributaries		OPEN ALL YEAR		
POTLATCH RIVER — Mainstem from the mouth to and including Moose Creek		OPEN ALL YEAR		
POTLATCH RIVER, EAST FORK and its tributaries	TROUT		2	
RED RIVER and its tributaries — From fish weir downstream for a distance of 100 yards		CLOSED TO FISHING		

Water	Species	Open Season Dates	Possession Limits	Special Rules
SALMON RIVER (See: Southwest Region and Salmon Region for additional information) <i>NOTE: Rainbow trout longer than 20" are considered steelhead and may be kept ONLY during open steelhead harvest season.</i>				
Mainstem from its mouth to Horse Creek (approximately 15 miles downstream from the Middle Fork) EXCEPT from Riggins City Park boat ramp upstream to a posted boundary at Shorts Bar		OPEN ALL YEAR		Only barbless hooks may be used from Sep 1-Apr 30.
	BASS			Any size bass may be kept.
	CUTTHROAT		0	CLOSED TO HARVEST.
From Riggins City Park boat ramp upstream to a posted boundary at Shorts Bar		Jan 1-Apr 30 Jul 16-Dec 31		Only barbless hooks may be used from Sep 1-Apr 30.
	BASS			Any size bass may be kept.
	CUTTHROAT		0	CLOSED TO HARVEST.
Tributaries from the mouth of the Little Salmon River upstream to and including the Horse Creek drainage EXCEPT Crooked Creek, Little Salmon and South Fork Salmon rivers	TROUT		2	
SELWAY RIVER				
Mainstem from mouth upstream to Selway Falls cable car		Saturday of Memorial Day Weekend Nov 30		Artificial flies and lures with one barbless hook ONLY per fly or lure.
	TROUT		2	NONE under 14".
	WHITEFISH ONLY	Dec 1-Mar 31		Insects and insect larvae may be used with one barbless hook ONLY. No other bait allowed.
Mainstem from Selway Falls cable car upstream to Selway Falls bridge at Meadow Creek		CLOSED TO FISHING		
Mainstem from Selway Falls bridge upstream		Saturday of Memorial Day Weekend Nov 30		CATCH AND RELEASE.
	WHITEFISH			May be taken ONLY during seasons open for other species.
All tributaries	TROUT	Jul 1-Nov 30	2	
SHEEP CREEK (tributary to Snake River) and its tributaries				
	TROUT		2	

Water	Species	Open Season Dates	Possession Limits	Special Rules
SNAKE RIVER —(Lewiston to Hells Canyon Dam) <i>NOTE: Rainbow trout longer than 20" are considered steelhead and may be kept ONLY during open steelhead harvest season.</i>				
		<i>OPEN ALL YEAR</i>		<i>Any size bass may be kept.</i>
SPRING VALLEY RESERVOIR				<i>Electric motors ONLY.</i>
STEEP CREEK (Goose Creek drainage)	<i>TROUT</i>	<i>Aug 1-Nov 30</i>	<i>2</i>	
STEEP LAKE Upper and Lower (Goose Creek drainage)	<i>TROUT</i>	<i>Aug 1-Nov 30</i>	<i>2</i>	
TEN MILE CREEK (tributary to South Fork Clearwater River) and its tributaries	<i>TROUT</i>		<i>2</i>	
TOLO LAKE				<i>Electric motors only.</i>
WHITE BIRD CREEK (tributary to Salmon River) and its tributaries	<i>TROUT</i>		<i>2</i>	
WINCHESTER LAKE				<i>Electric motors ONLY.</i>

(7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

320. SOUTHWEST REGION EXCEPTIONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons and regional exceptions by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

(3-13-00)T

01. Special Seasons—None.

(3-20-97)

02. Southwest Region Exceptions Table.

Water	Species	Open Season Dates	Possession Limits	Special Rules
ADA COUNTY				
—Morrison Knudsen Nature Center		<i>CLOSED TO FISHING</i>		
—All Other Waters		<i>OPEN ALL YEAR</i>		
BEAR VALLEY CREEK and its tributaries (Valley County)				<i>CATCH AND RELEASE.</i>

Water	Species	Open Season Dates	Possession Limits	Special Rules
BIG CREEK and its tributaries				CATCH AND RELEASE.
BLACKWELL LAKE (an alpine lake in the Payette Lake drainage)	TROUT		2	NONE under 20". Artificial flies and lures with one barbless hook ONLY per fly or lure.
BOISE RIVER -- From its mouth to Arrowrock Dam		OPEN ALL YEAR		
-- From a posted boundary approximately one quarter mile downstream from the Warm Springs Golf Course, at the United Water Corporation water treatment plant, upstream to a posted boundary, approximately one mile downstream from Eckert Road (Barber Park) bridge where Loggers Creek is diverted from the Boise River		TROUT	2	NONE under 14".
BOISE RIVER, MIDDLE FORK -- From North Fork upstream to Atlanta Dam	TROUT		2	NONE under 14". Artificial flies and lures and one barbless hook ONLY per fly or lure.
BOISE RIVER, SOUTH FORK -- (See <i>Magic Valley Region</i> for information upstream from Anderson Ranch Dam)				
-- From Arrowrock Reservoir upstream to Neil Bridge		OPEN ALL YEAR		
-- From Neil Bridge upstream to Anderson Ranch Dam		TROUT	Saturday of Memorial Day Week- end Nov 30	2 Artificial flies and lures and one barbless hook ONLY per fly or lure. NONE between 12"-20".
		TROUT	Dec 1-Mar 31	0 CLOSED TO HARVEST. For whitefish only, insects and insect larvae may be used. No other bait allowed.
BRUNDAGE RESERVOIR and its tributaries	ALL SPECIES		Saturday of Memorial Day Week- end Nov 30	2 NONE between 12"-20".
BRUNEAU RIVER -- Mainstem and tributaries from its mouth to Hot Springs Bridge (approximately 8 miles)		OPEN ALL YEAR		
BRUSH LAKE (an alpine lake in North Fork Payette drainage)	TROUT		2	Artificial flies and lures with one barbless hook ONLY per fly or lure. NONE under 20".
CALDWELL PONDS				No motors.
CANYON COUNTY -- All waters		OPEN ALL YEAR		
C. BEN ROSS RESERVOIR		BASS	Jan 1-Jun 30 Jul 1-Dec 31	0 2 CLOSED TO HARVEST. None between 12"-16".
CHAMBERLAIN CREEK and its tributaries	TROUT		2	
CORRAL CREEK RESERVOIR				No motors.

Water	Species	Open Season Dates	Possession Limits	Special Rules
CRANE FALLS LAKE	<i>BASS</i>		2	<i>Electric motors ONLY. NONE under 20".</i>
CRYSTAL LAKE <i>(an alpine lake in the North Fork Payette drainage)</i>	<i>TROUT</i>		2	<i>None under 20". Artificial flies and lures with one barbless hook ONLY per fly or lure.</i>
DEADWOOD RESERVOIR <i>and its tributaries</i>	<i>KOKANEES</i>		25	<i>Per day, 50 in possession.</i>
DUCK VALLEY INDIAN RESERVATION				<i>Check Tribal Regulations.</i>
DUFF LANE POND				<i>No motors.</i>
ELK CREEK <i>(Bear Valley Creek Tributary) and its tributaries</i>				<i>CATCH AND RELEASE.</i>
FISHER CREEK	<i>KOKANEES</i>		0	<i>CLOSED TO HARVEST.</i>
FISH (MUD) LAKE <i>and its tributaries (Adams County)</i>		<i>CLOSED TO FISHING</i>		
GEM COUNTY <i>All waters EXCEPT the Squaw Creek drainage</i>		<i>OPEN ALL YEAR</i>		
GOLD FORK RIVER <i>From Cascade Reservoir upstream to Highway 55 bridge</i>		<i>OPEN ALL YEAR</i>		
HAZARD LAKE <i>(Middle)</i>				<i>No motors.</i>
HERRICK RESERVOIR				<i>No motors.</i>
INDIAN CREEK RESERVOIR	<i>BASS</i>	<i>Jan 1-Jun 30 Jul 1-Dec 31</i>	0 2	<i>CLOSED TO HARVEST. None between 12" - 16".</i>
JOHNSON CREEK <i>and tributaries</i>				<i>CATCH AND RELEASE.</i>
	<i>WHITEFISH</i>			<i>May be taken ONLY during seasons open for other species.</i>
LAKE CREEK <i>and tributaries (Seecesh River Tributary)</i>				<i>CATCH AND RELEASE.</i>
	<i>WHITEFISH</i>			<i>May be taken ONLY during season open for other species.</i>
LAKE FORK CREEK <i>From Little Payette Lake upstream to Brown's Pond</i>	<i>ALL GAME FISH EXCEPT Kokanee</i>	<i>Jul 1-Nov 30</i>	2	<i>NONE under 20". Artificial flies and lures with one barbless hook ONLY per fly or lure.</i>
	<i>KOKANEES</i>		6	

Water	Species	Open Season Dates	Possession Limits	Special Rules
LAKE LOWELL	<i>BASS</i>	<i>Jan 1-June 30</i> <i>Jul 1-Dec 31</i>	0 2	<i>CLOSED TO HARVEST.</i> <i>NONE between 12"-16".</i>
LAKE ROCK LAKE <i>(an alpine lake in Seecesh drainage)</i>	<i>TROUT</i>		2	<i>Artificial flies and lures with one barbless hook ONLY per fly or lure.</i> <i>NONE under 20".</i>
LITTLE PAYETTE LAKE	<i>ALL GAME FISH EXCEPT KOKANEE</i> <i>KOKANEE</i>	<i>Saturday of Memorial Day Week-end Nov 30</i>	2 25	<i>NONE under 20".</i> <i>Artificial flies and lures with one barbless hook ONLY per fly or lure.</i>
LITTLE SALMON RIVER <i>—From its mouth to 100 yards above the mouth of Rapid River</i>	<i>ALL SPECIES EXCEPT STEELHEAD</i>	<i>Jul 16-Nov 30</i>		<i>See steelhead rules.</i>
LONG LAKE <i>(an alpine lake south of Warm Lake)</i>	<i>TROUT</i>		2	<i>NONE under 20".</i> <i>Artificial flies and lures with one barbless hook ONLY per fly or lure.</i>
LOUIE LAKE <i>(an alpine lake in Boulder Creek drainage)</i>	<i>TROUT</i>		2	<i>NONE under 20".</i> <i>Artificial flies and lures with one barbless hook ONLY per fly or lure.</i>
MARTIN LAKE (Little Bull Trout)				<i>No motors.</i>
MORES CREEK and its tributaries <i>—From the slack water in Lucky Peak Reservoir upstream to the Granite Creek bridge above Idaho City</i>		<i>OPEN ALL YEAR</i>		
OXBOW RESERVOIR <i>between Brownlee Dam and Oxbow Dam</i>	<i>BASS</i>	<i>Jan 1-Jun 30</i> <i>Jul 1-Dec 31</i>	0 2	<i>CLOSED TO HARVEST.</i> <i>NONE between 12"-16".</i>
PAYETTE COUNTY —All waters		<i>OPEN ALL YEAR</i>		
PAYETTE LAKE	<i>LAKE TROUT (MACKINAW)</i>		1	<i>Not less than 36".</i>
PAYETTE RIVER <i>—Mainstem from mouth to the confluence of the North and South Forks including connecting sloughs and impoundments</i>		<i>OPEN ALL YEAR</i>		
PAYETTE RIVER, NORTH FORK <i>—Mainstem from its confluence with the Payette River at Banks upstream to Hartsell (Smiley or Moore) bridge above Cascade Reservoir</i>		<i>OPEN ALL YEAR</i>		

Water	Species	Open Season Dates	Possession Limits	Special Rules
From Cascade Reservoir upstream, including tributaries but excluding Payette Lake	KOKANEE		0	CLOSED TO HARVEST.
PAYETTE RIVER, SOUTH FORK				
From the North Fork Payette River upstream to Deadwood River	TROUT		2	
From the Highway 21 bridge across the South Fork Payette River just east of the mouth of Eight Mile Creek upstream	TROUT		2	
RAPID RIVER and its tributaries (tributary to Little Salmon River)				
From its mouth to the fish hatchery trap area	TROUT	Sep 1 Nov 30	2	
Trap Area: 50 yards upstream and downstream from the barrier dam at the fish trap and all waters within the posted boundaries of the Idaho Power Company hatchery		CLOSED TO FISHING		
ROARING LAKES				<i>No motors.</i>
SALMON RIVER (See Clearwater Region and Salmon Region for information)				
SALMON RIVER, EAST FORK OF SOUTH FORK and its tributaries	WHITEFISH			CATCH AND RELEASE. May be taken ONLY during seasons open for other species.
SALMON RIVER, SOUTH FORK and its tributaries	WHITEFISH			CATCH AND RELEASE. May be taken ONLY during seasons open for other species.
SECESH RIVER and its tributaries	WHITEFISH			CATCH AND RELEASE. May be taken ONLY during seasons open for other species.
SERENE LAKE (An alpine lake in Hazard Creek drainage)			2	None under 20". Artificial flies and lures with one barbless hook only per fly or lure.
SHEEP CREEK (tributary to Snake River) and its tributaries (See Clearwater Region)				
SNAKE RIVER and its impoundments (See Clearwater Region and Magic Valley Region for additional information)		OPEN ALL YEAR		

Water	Species	Open Season Dates	Possession Limits	Special Rules
SQUAW CREEK and its tributaries	TROUT		2	
Tributaries to Sagehen Reservoir		Jun 15-Nov 30		Artificial flies and lures with one barbless hook ONLY per fly or lure.
SULPHUR CREEK (tributary to Middle Fork Salmon River) and tributaries				CATCH AND RELEASE.
TRINITY LAKES				No motors.
TRIPOD RESERVOIR				No motors.
TULE LAKE				Artificial flies and lures with one barbless hook ONLY per fly or lure.
	TROUT		2	NONE under 20".
WASHINGTON COUNTY - All waters		OPEN ALL YEAR		
WEISER RIVER and tributaries within Adams County	ALL SPECIES	Jan 1-Mar 31 and Saturday of Memorial Day Week-end-Dec 31		
WEISER RIVER and tributaries within Washington County		OPEN ALL YEAR		
WILSON SPRINGS PONDS AND DRAIN		OPEN ALL YEAR		
WILSON DRAIN (within Idaho Department of Fish and Game property), North and South Ponds	TROUT		2	
ANDERSON WETLAND, TROPHY AND BEACH'S POND				CATCH AND RELEASE.

(7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

325. MAGIC VALLEY REGION.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons and regional exceptions by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

(3-13-00)T

~~01. Special Seasons And Restrictions.~~ (3-20-97)

~~a. Statewide whitefish season applies in the Magic Valley Region only in the South Fork Boise River. Whitefish may be taken in other waters only during seasons open for other species in those waters.~~ (3-20-97)

~~b. Cutthroat: In all rivers and streams in the Snake River drainage upstream from Shoshone Falls~~

EXCEPT as noted below, the general trout limit may include only two (2) cutthroat.

(7-1-99)

02. Magic Valley Region Exceptions Table.

Water	Species	Open Season Dates	Possession Limits	Special Rules
ANDERSON RANCH RESERVOIR	KOKANEE		25	Per day, 50 in possession.
BAKER LAKE (Blaine County)	TROUT		2	NONE under 20". Artificial flies and lures with one barbless hook only per fly or lure.
BIG WOOD RIVER, MAINSTEM and diverted waters				
—Upstream from its confluence with the Little Wood River to the Richfield Canal Diversion Dam		OPEN ALL YEAR		
—From the Richfield Canal Diversion Dam upstream to Magic Dam		Saturday of Memorial Day Week end Mar 31		
—From Magic Reservoir upstream to Glendale Diversion		Saturday of Memorial Day Weekend Mar 31		Dec 1-Mar 31, CLOSED to harvest of trout.
—From the Glendale Diversion, approximately 3 miles below Bellevue, upstream to Highway 75 bridge at milepost 122.2	TROUT	Saturday of Memorial Day Weekend Mar 31 General Stream Season	2	Dec 1-Mar 31, CLOSED to harvest of trout. NONE between 12"–16".
—From Highway 75 bridge at milepost 122.2 upstream to the mouth of the North Fork		Saturday of Memorial Day Week end Mar 31		CATCH AND RELEASE.
BILLINGSLEY CREEK				
—From Tupper Grade upstream to Vader Grade				Fly fishing ONLY.
BOISE RIVER, SOUTH FORK (See Southwest Region for information downstream from Anderson Ranch Dam)				
—From Anderson Ranch Reservoir upstream to Pine Bridge	ALL SPECIES	General Stream Season, EXCEPT closed to fishing Aug 1-Oct 31		
—From the mouth of Beaver Creek upstream to the mouth of Big Smoky Creek	TROUT, EXCEPT KOKANEE		2	NONE under 14". Artificial flies and lures with one barbless hook ONLY per fly or lure.
	KOKANEE		6	
BOX CANYON CREEK	TROUT		2	
BRUNEAU DUNES STATE PARK	BASS		2	Electric motors ONLY. NONE under 20".

Water	Species	Open Season Dates	Possession Limits	Special Rules
CAREY LAKE				<i>Electric motors ONLY.</i>
CLOVER CREEK DRAINAGE		<i>OPEN ALL YEAR</i>		
DEVILS CORRAL CREEK (Jerome County)	<i>TROUT</i>		<i>2</i>	
DIERKES LAKE	<i>BASS</i>		<i>2</i>	<i>None under 20".</i>
FREEDOM PARK CREEK (Burley)		<i>OPEN ALL YEAR</i>		
GOODING COUNTY All waters EXCEPT Billingsley Creek drainage, Box Canyon Creek, Malad River drainage downstream from Interstate 84, Hagerman Wildlife Management Area, and Thorn Creek Reservoir		<i>OPEN ALL YEAR</i>		
GOOSE CREEK and Canals (Cassia County) Downstream from Oakley Dam		<i>OPEN ALL YEAR</i>		
GUNNEL (SIX MILE) RESERVOIR	<i>TROUT</i>	<i>Saturday of Memorial Day Week-end Nov 30</i>	<i>2</i>	<i>Barbless hooks recommended.</i>
HAGERMAN WILDLIFE MANAGEMENT AREA --The four Anderson ponds, the bass ponds, Big Bend Ditch, Goose Pond and the pond west of Highway 30 --Riley Creek upstream from state fish hatchery diversion --All other waters		<i>Jul 1-Oct 31</i> <i>OPEN ALL YEAR</i> <i>Mar 1-Oct 31</i>		<i>No motors.</i>
HAYSPUR FISH HATCHERY PROPERTY --Gaver's Lagoon --Loving and Butte creeks (within posted boundary on Hayspur Fish Hatchery)		<i>Saturday of Memorial Day Week-end Nov 30</i>		
JARBIDGE RIVER and its tributaries	<i>TROUT</i>		<i>2</i>	<i>NONE under 20".</i>
LAKE CLEVELAND				<i>No motors.</i>
LIME CREEK and its tributaries	<i>TROUT</i>		<i>2</i>	
LITTLE WOOD RIVER --From its mouth upstream to Silver Creek		<i>OPEN ALL YEAR</i>		

Water	Species	Open Season Dates	Possession Limits	Special Rules
From the posted boundary at the downstream end of the Taylor "Bear Tracks" Williams State Recreation Area near Highway 93 milepost 190, to the posted boundary at the upstream end of the "Bear Tracks" Williams State Recreation Area near Highway 93 milepost 192.5				Fly fishing ONLY. CATCH AND RELEASE.
From Baugh Creek upstream (including all tributaries)	TROUT		2	
MALAD RIVER				
From its mouth to the Interstate 84 bridge at Malad Gorge	TROUT	Saturday Of Memorial Day Week-end Mar 31	2	
From the Interstate 84 bridge at Malad Gorge upstream to the confluence of the Big and Little Wood rivers		OPEN ALL YEAR		
MORMON RESERVOIR	TROUT		2	
NIAGARA SPRINGS				
Stream section from the Niagara Springs Steelhead Hatchery intake pool (above the lowest fall) upstream to the spring sources as posted		CLOSED TO FISHING		
From the intake pool downstream		OPEN ALL YEAR		
NIAGARA SPRINGS- WILDLIFE MANAGEMENT AREA except Snake River	TROUT		2	
RILEY CREEK				
(see Hagerman Wildlife Management Area listing)				No motors.
From Riley Creek Falls to State Fish Hatchery diversion		Mar 1 Oct 31		
Remainder of Riley Creek		OPEN ALL YEAR		
ROCK CREEK From its mouth upstream to Highline Canal in Twin Falls County		OPEN ALL YEAR		
SALMON FALLS CREEK From its mouth upstream to the Idaho-Nevada state line		OPEN ALL YEAR		
SILVER CREEK and its tributaries	WHITEFISH			No motors. All diversion ponds have the same rules as stream segments. May be taken during seasons open for other species.
Downstream from Highway 93		OPEN ALL YEAR		
From Highway 93 upstream to the county road bridge north of Picabo		General Stream Season		General Rules.

Water	Species	Open Season Dates	Possession Limits	Special Rules
—From the county road bridge north of Picabo upstream to the bridge at milepost 187.2 on Highway 20 west of Picabo	TROUT	General Stream Season	2	NONE between 12"–16".
—From the bridge at milepost 187.2 on U.S. Highway 20 west of Picabo upstream to the road right-of-way fence on the west side of Kilpatrick Bridge				CATCH AND RELEASE. No fishing from rafts or boats. Float tubes permissible.
—From the road right-of-way fence on the west side of Kilpatrick Bridge upstream and all waters within The Nature Conservancy Silver Creek Preserve property				Fly Fishing ONLY , CATCH AND RELEASE. No fishing from rafts or boats. Float tubes permissible.
SNAKE RIVER (See Southwest Region and Southeast Region for additional information)		OPEN ALL YEAR		
—From Lower Salmon Falls Dam upstream (Bell Rapids area) to Upper Salmon Falls Dam (0.3 miles below Owsley Bridge)	TROUT		2	
	BASS	Jan 1–Jun 30 Jul 1–Dec 31	02	CLOSED TO HARVEST. NONE between 12–16".
—From Shoshone Falls upstream	CUTTHROAT		2	NONE under 16".
STALKER CREEK —From its confluence with Grove Creek upstream to west end of The Nature Conservancy Silver Creek Preserve property.				Fly fishing ONLY CATCH AND RELEASE. No fishing from rafts or boats. Float tubes permissible.
SUBLETT RESERVOIR —Tributaries	TROUT	Saturday of Memorial Day Week–end–Nov 30	2	
THORN CREEK RESERVOIR		Saturday of Memorial Day Week–end–Nov 30		
THOUSAND SPRINGS		OPEN ALL YEAR		
TRINITY LAKES				No motors.
TWIN FALLS COUNTY —All waters west of Murtaugh Lake, north of and including Main and Highline canals west to and including Salmon Falls Creek		OPEN ALL YEAR		
VINYARD CREEK	TROUT	Saturday of Memorial Day Week–end–Oct 31	2	

Water	Species	Open Season Dates	Possession Limits	Special Rules
WILLOW CREEK (tributary of Camas Creek)	TROUT		2	

(7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

330. SOUTHEAST REGION EXCEPTIONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons and regional exceptions by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

(3-13-00)T

- ~~01. Special Seasons And Restrictions.~~ (7-1-99)
- ~~a. Cutthroat: In all rivers and streams, except as noted below, the general trout limit may include only two (2) cutthroat.~~ (7-1-99)
- ~~b. Brook trout: Brook trout bonus limit does not apply on Southeast regional reservoirs.~~ (7-1-99)
- ~~02. Southeast Region Exceptions Table.~~

Water	Species	Open Season Dates	Possession Limits	Special Rules
BEAR LAKE (Idaho side) — From the mouth of St. Charles Creek for a radius of 300 yards into the lake		Jan 1-Apr 15 Jul 1-Dec 31		NOT more than 2 hooks per line. One line only when ice fishing.
--Remainder of lake	ALL SPECIES CUTTHROAT	OPEN ALL YEAR		ONLY cutthroat with the adipose fin missing (as evidenced by a healed scar) may be kept.
	CISCO	Jan 1-Feb 15		May be taken with dip net so long as opening does NOT exceed 18" in any dimension. When dipnetting Cisco, any size hole may be cut through the ice.
			30	Adult License holders.
			15	Juveniles, age 6-13. Cisco taken by juveniles 5 years of age and under, must be included in limit of accompanying adult.
	TROUT		2	
	WHITEFISH		10	

Water	Species	Open Season Dates	Possession Limits	Special Rules
BEAR RIVER	<i>CUTTHROAT</i>	<i>OPEN ALL YEAR</i>	2	<i>NONE less than 16".</i>
— From Highway 91 bridge upstream to Oneida Dam	<i>TROUT</i>		2	
— From Oneida Reservoir upstream to the Highway 34 bridge at Cleveland	<i>WALLEYE</i>	<i>Jan 1-Feb 28</i>	5	
		<i>Mar 1-Apr 30</i>	2	
		<i>May 1-Dec 31</i>	5	
BLACKFOOT RESERVOIR	<i>CUTTHROAT</i>			<i>ONLY cutthroat missing an adipose fin, as evidenced by a healed scar, may be kept.</i>
	<i>TROUT (except wild cutthroat)</i>		3	
BLACKFOOT RIVER				
— Mainstem from its mouth upstream to Cedar Creek		<i>OPEN ALL YEAR</i>		
— Mainstem from its mouth upstream to Government Dam	<i>CUTTHROAT</i>		2	<i>NONE under 16".</i>
— Mainstem and its tributaries upstream from boundary on Blackfoot Reservoir (boundary is defined as a line of buoys and shoreline markers approximately 4 miles below the Highway 34 bridge) upstream, EXCEPT Trail Creek upstream from the Caribou National Forest boundary	<i>TROUT (except cutthroat)</i>	<i>Jul 1-Nov 30</i>	6	<i>Artificial flies and lures with one barbless hook ONLY per fly or lure. Fishing may NOT continue after trout limit has been reduced to possession.</i>
	<i>CUTTHROAT</i>		0	<i>CLOSED TO HARVEST</i>
BOONE CREEK (Bingham County)		<i>OPEN ALL YEAR</i>		
CHESTERFIELD RESERVOIR	<i>TROUT</i>		3	
CONDIE RESERVOIR	<i>BASS</i>		2	<i>NONE under 20".</i>
CUB RIVER	<i>CUTTHROAT</i>		2	<i>NONE under 16".</i>
DANIELS RESERVOIR	<i>TROUT</i>		2	<i>NONE under 20". Artificial flies and lures with one barbless hook ONLY per fly or lure. One line ONLY when ice fishing.</i>
DEEP CREEK RESERVOIR	<i>TROUT</i>			<i>ONLY 2 may be cutthroat.</i>
	<i>BASS</i>			<i>Any size bass may be kept.</i>

IDAHO ADMINISTRATIVE BULLETIN
Rules Governing Fish

Docket No. 13-0111-0001
Temporary and Proposed Rule

Water	Species	Open Season Dates	Possession Limits	Special Rules
—From the mouth of First Creek for a radius of 50 yards into the reservoir		Jan 1-Apr 30 Jun 15-Dec 31		
DEVILS CREEK RESERVOIR	TROUT			ONLY 2 may be cutthroat.
—From the mouth of Devils Creek for a radius of 50 yards into the reservoir		Jan 1-Apr 30 Jun 15-Dec 31		
DIKE LAKE				No motors.
DRY CREEK and its tributaries- (Bear Lake County)		CLOSED TO FISHING		
FIRST CREEK (Oneida County)		Jun 15-Nov 30		
FORT HALL INDIAN RESERVATION				Check Tribal Regulations.
FOSTER RESERVOIR				No motors.
GIRAFFE CREEK and its tributaries		CLOSED TO FISHING		
GLENDALE RESERVOIR	BASS		2	NONE under 16".
HATCHERY CREEK (Bingham County)		OPEN ALL YEAR		
HATCHERY CREEK (Caribou County at Soda Springs)		OPEN ALL YEAR		
HIGHWAY POND (Gravel pit near Poocatello)	TROUT		2	No motors.
LEDGE CREEK (Caribou County)		OPEN ALL YEAR		
LITTLE BLACKFOOT RIVER and its tributaries- —From the end of the boat docks at Cedar Bay Marina (Whitelocks) upstream		Jun 15-Nov 30		
MALAD RIVER Downstream of Highway 38		OPEN ALL YEAR		
MARSH CREEK		OPEN ALL YEAR		
McCOY CREEK	CUTTHROAT	Jul 1-Nov 30	2	NONE under 16".
McTUCKER SPRING CREEK		OPEN ALL YEAR		
MONTPELIER RESERVOIR				Electric motors ONLY.
MONTPELIER REARING POND	TROUT		2	
ONEIDA RESERVOIR	WALLEYE	Jan 1-Feb 28 Mar 1-Apr 30 May 1-Dec 31	5 2 5	
OUTLET and RAINBOW CANALS (Bear Lake County)		OPEN ALL YEAR		
OVID CREEK (Bear Lake County) —Downstream of U.S. Highway 89		OPEN ALL YEAR		
PORTNEUF RIVER	CUTTHROAT		2	NONE under 16".

Water	Species	Open Season Dates	Possession Limits	Special Rules
From American Falls Reservoir upstream to the Center Street Bridge in the city of Lava Hot Springs		OPEN ALL YEAR		
From the Center Street Bridge upstream to the East Main Street Bridge		CLOSED TO FISHING		
PRUESS CREEK and its tributaries		CLOSED TO FISHING		
ROSE POND				No motors.
ST. CHARLES CREEK (both forks)				CATCH AND RELEASE.
From its mouth upstream to the Caribou National Forest boundary		Jul 1-Nov 30		
ST. JOHNS RESERVOIR	BASS	Jan 1-Jun 30 Jul 1-Dec 31	0 2	CLOSED TO HARVEST. NONE between 12"-16".
SNAKE RIVER (See Magic Valley and Upper Snake Region for additional information)				
From the Blaine Power County line to the Bingham-Bonneville County line	CUTTHROAT		2	NONE under 16".
From the upper (East) boundary of Minidoka National Wildlife Refuge upstream to Eagle Rock		OPEN ALL YEAR		
From Eagle Rock upstream to American Falls Dam	TROUT	Saturday of Memorial Day Week-end-Oct 31	6	ONLY 2 over 16".
From American Falls Reservoir upstream to the confluence of the North (Henrys) and South Forks		OPEN ALL YEAR		
SODA CREEK		OPEN ALL YEAR		
SPRINGFIELD RESERVOIR	TROUT		2	NONE under 20", artificial flies and lures with one hook ONLY per fly or lure (NO bait).
THOMAS FORK BEAR RIVER and its tributaries		CLOSED TO FISHING		
TREASURETON RESERVOIR	TROUT		2	NONE between 12"-16". Artificial flies and lures with one barbless hook ONLY per fly or lure. One line ONLY when ice fishing.

<i>Water</i>	<i>Species</i>	<i>Open Season Dates</i>	<i>Possession Limits</i>	<i>Special Rules</i>
TWENTY-FOUR MILE RESERVOIR	TROUT		2	NONE under 20". No motors. Artificial flies and lures with one barbless hook ONLY per fly or lure. One line ONLY when ice fishing.
	BROOK TROUT			Must be counted in trout limit. Bonus brook trout does not apply.
WESTON RESERVOIR				NO fishing from boats or rafts. Float tubes permissible.
	BASS	Jan 1-Jun 30 Jul 1-Dec 31	0 2	CLOSED TO HARVEST. NONE between 12"-16".
WINDER RESERVOIR				No fishing from boats or rafts. Float tubes permissible.
WIREGRASS RESERVOIR				No motors.

(7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

335. UPPER SNAKE REGION EXCEPTIONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons and regional exceptions by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

(3-13-00)T

~~01. Special Seasons And Restrictions.~~

(3-20-97)

~~a. WHITEFISH: Statewide whitefish season applies ONLY in the Big Lost River and its tributaries, Falls and Teton rivers. Whitefish may be taken in other waters ONLY during seasons open for other species in those waters.~~

(3-20-97)

~~b. No person shall take, have in possession, trap, seine, or use any live or dead fish or fish parts for bait while fishing in any waters of the North (Henry's) Fork Snake River drainage upstream from Lower Mesa Falls and the Big Lost River drainage.~~

(3-20-97)

~~c. CUTTHROAT: In all rivers and streams, EXCEPT as noted below, the general trout limit may include ONLY two (2) cutthroat and NONE between eight (8") and sixteen inches (16"); barbless hooks recommended.~~

(3-20-97)

02- Upper Snake River Exceptions Table.

Water	Species	Open Season Dates	Possession Limits	Special Rules
BEAVER CREEK (Clark County)				
—Downstream from the county bridge at Spencer		OPEN ALL YEAR		
BIG LOST RIVER				
—Mainstem Big Lost River and James Creek from INEL boundary upstream to Moore Diversion		OPEN ALL YEAR		
—Mainstem from Bartlett Point Road upstream to the North Fork, and East Fork from its confluence with the North Fork upstream to the mouth of the West Fork (Star Hope Creek)	TROUT		2	NONE under 14".
BROCKMAN CREEK and its tributaries (Willow Creek drainage)				
		Jul 1-Nov 30		
BURNS CREEK and its tributaries				
		Sep 1-Nov 30		
CAMAS CREEK and its tributaries				
	CUTTHROAT AND OTHER TROUT		6	No size restriction.
CELLARS CREEK and its tributaries (Willow Creek drainage)				
		Jul 1-Nov 30		
DRY BEDS -- Beginning at Big Feeder Irrigation Diversion				
		OPEN ALL YEAR		
—From the Highway 48 bridge upstream to the Union Pacific Railroad bridge 1 1/2 miles northeast of Ririe, including canals				May take fish with dip nets, or by snagging or hand Apr 1-Apr 30.
FALL RIVER and its tributaries				
	TROUT		2	
FISH CREEK (Harriman State Park)				
				Fly fishing ONLY.
GOLDEN LAKE -- (Harriman State Park)				
		CLOSED TO FISHING		
HATCHERY CREEK (Fremont County at Henrys Lake)				
		CLOSED TO FISHING		
HELL CREEK and its tributaries (Willow Creek drainage)				
		Jul 1-Nov 30		
HENRYS LAKE -- That portion of the lake within the posted boundaries of Staley Spring				
		CLOSED TO FISHING		
-- That portion of the lake within 100 yards of Hatchery Creek as posted				
		CLOSED TO FISHING		

Water	Species	Open Season Dates	Possession Limits	Special Rules
—Remainder of lake	TROUT	Saturday of Memorial Day Week end-Oct 31	2	Fishing hours: 5 a.m. - 9 p.m. Fishing may NOT continue after trout limit has been reduced to possession. Brook trout MUST be counted in trout limit. Bonus brook trout does not apply.
HENRYS LAKE OUTLET				
—From Henrys Lake downstream to the foot bridge near USGS Gauge Station (approximately 400 yards)		CLOSED TO FISHING		
HENRYS LAKE TRIBUTARIES				
—Hatchery Creek		CLOSED TO FISHING		
—All others	TROUT	Aug 1-Aug 31	2	Brook trout MUST be counted in trout limit.
HORSESHOE LAKE - (Fremont County)				
No motors.				
JEFFERSON COUNTY - All waters				
OPEN ALL YEAR				
LAVA CREEK and its tributaries (Willow Creek drainage)				
Jul 1-Nov 30				
LITTLE LOST RIVER				
—Mainstem and tributaries upstream from the confluence of Big Springs Creek	TROUT		2	
MARKET LAKE WILDLIFE MANAGEMENT AREA				
NO boats, rafts, or float tubes Mar 1-Jul 15.				
MEDICINE LODGE CREEK and all tributaries				
TROUT				
2				
MOOSE CREEK and its tributaries (Fremont County)				
Saturday of Memorial Day Weekend Aug 15				
MUD LAKE - West of the posted boundary which runs north and south from McKenzie Point				
NO boats, rafts, or float tubes Mar 1-Jul 15.				
PALISADES LAKES, UPPER AND LOWER (Palisades Creek drainage)				
Saturday of Memorial Day Weekend Nov 30				
PINE CREEK and its tributaries				
Jul 1-Nov 30				
RIRIE RESERVOIR				
EXCEPT while ice fishing.				
—From the dam to posted boundary (approximately 1 mile upstream)		Dec 1-Mar 31		Ice Fishing ONLY.

Water	Species	Open Season Dates	Possession Limits	Special Rules
ROBERTS GRAVEL POND				<i>Motorized watercraft prohibited.</i>
SAND CREEK WILDLIFE MANAGEMENT AREA		<i>Saturday of Memorial Day Week-end Nov 30</i>		<i>Motorized watercraft prohibited. No boats, rafts, or float tubes before Jul 1.</i>
SILVER LAKE (Harriman State Park)		CLOSED TO FISHING		
SNAKE RIVER (See Southeast Region for additional information)				
From American Falls Reservoir upstream to the confluence of the North (Henrys) and South Forks		OPEN ALL YEAR		
SNAKE RIVER, NORTH (HENRYS) FORK (tributaries listed separately)				
From its mouth upstream to Vernon (Fritz) Bridge (second bridge downstream from Ashton Dam)		OPEN ALL YEAR		
From the steel bridge on Old Highway 20 (Del Rio Bridge approximately one mile north of St. Anthony) upstream to a posted boundary upstream from Riverside Campground, EXCEPT Ashton Reservoir	TROUT		2	<i>No motors. NONE between 8" - 16."</i>
Ashton Reservoir from the dam upstream to the U.S. Highway 20 (Wendell) bridge		OPEN ALL YEAR		
From the posted boundary upstream from Riverside Campground upstream to Island Park Dam EXCEPT Harriman State Park				<i>No motors. CATCH AND RELEASE.</i>
Harriman State Park (including East Harriman) EXCEPT the bird sanctuary		<i>Jun 15-Nov 30</i>		<i>No motors. CATCH AND RELEASE. Fly fishing only.</i>
Harriman bird sanctuary (Osborn Bridge upstream to the ranch bridge)		<i>Jun 15-Sep 30</i>		<i>No motors. CATCH AND RELEASE. Fly Fishing ONLY.</i>
From McCrea Bridge upstream to Macks Inn Bridge				<i>No motors.</i>
From Henrys Lake outlet upstream to and including the head of Big Springs		CLOSED TO FISHING		
SNAKE RIVER, SOUTH FORK (See dry beds exception)				
From its mouth upstream to the water measuring cable near Heise	TROUT	OPEN ALL YEAR	2	<i>NONE between 8" - 16."</i>

Water	Species	Open Season Dates	Possession Limits	Special Rules
—From the water measuring cable near Heise upstream to Palisades Dam	<i>TROUT</i>	<i>GENERAL STREAM SEASON</i>	2	<i>NONE between 8"-16".</i>
TETON CREEK and its tributaries		<i>Jul 1-Nov 30</i>		
THURMON CREEK and its tributaries		<i>CLOSED TO-FISHING</i>		
WARM RIVER				
—From its mouth to railroad tunnel EXCEPT within the posted boundaries		<i>Saturday of Memorial Day Week-end-Sep 30</i>		
—Within the posted boundaries from Parker (Scheuller) cabin near the mouth of Robinson-Creek upstream to State Highway 47 bridge		<i>CLOSED TO-FISHING</i>		
WILLOW CREEK (See also Brockman, Cellars, Hell, and Lava creeks)				
—From its mouth upstream to Ririe Dam		<i>OPEN ALL YEAR</i>		

(7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

340. SALMON REGION EXCEPTIONS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons and regional exceptions by proclamation. The proclamation is published in a brochure available at Department offices and license vendors.

(3-13-00)T

~~01. Special Seasons.~~

(3-20-97)

~~02. Salmon Region Exceptions Table.~~

Water	Species	Open Season Dates	Possession Limits	Special Rules
ALTURAS LAKE CREEK and tributaries, upstream from Alturas Lake		<i>Saturday of Memorial Day Week-end-Aug 7</i>		
CAMAS CREEK (Middle Fork Salmon River tributary Lemhi County)				
—Mainstem				<i>CATCH AND RELEASE.</i>
—All tributaries	<i>TROUT</i>		2	
ELK LAKE (an alpine lake in the Knapp Creek Drainage)				<i>CATCH AND RELEASE.</i>

IDAHO ADMINISTRATIVE BULLETIN
Rules Governing Fish

Docket No. 13-0111-0001
Temporary and Proposed Rule

Water	Species	Open Season Dates	Possession Limits	Special Rules
FISHHOOK CREEK (tributary to Redfish Lake)		Saturday of Memorial Day Week end Aug 7		
LAKE CREEK and its tributaries (Lemhi County)				
—Upstream from the posted boundary at Williams Lake		Jul 1-Nov 30		
LEMHI RIVER	RAINBOW (with adipose fin) CUTTHROAT	0		NONE under 14". CLOSED TO HARVEST.
LOON CREEK (tributary to Middle Fork Salmon River)				
—Mainstem				CATCH AND RELEASE.
—All tributaries	TROUT		2	
MARSH CREEK and all tributaries				CATCH AND RELEASE.
PAHSIMEROI RIVER	RAINBOW (with adipose fin) CUTTHROAT	0		NONE under 14". CLOSED TO HARVEST
REDFISH LAKE	KOKANEE	Jan 1-Aug 7		
SALMON RIVER NOTE: Rainbow trout longer than 20" are considered steelhead and may be kept ONLY during open steelhead harvest season.				
—Tributaries from the mouth of the Little Salmon River upstream to and including the Horse Creek drainage EXCEPT Crooked Creek, Little Salmon and South Fork Salmon rivers	TROUT		2	
—Mainstem from Horse Creek upstream to North Fork Salmon River	ALL SPECIES	Saturday of Memorial Day Week end Aug 31		See Steelhead Rules.
	CUTTHROAT		0	CLOSED TO HARVEST.
—Mainstem from North Fork upstream to headwaters, except 100 yards upstream and downstream from the Sawtooth Fish Hatchery salmon weir and trap.		OPEN ALL YEAR		See Steelhead Rules.
	RAINBOW			ONLY rainbow with the adipose fin missing (as evidenced by a healed scar) may be kept.
	CUTTHROAT		0	CLOSED TO HARVEST.
—100 yards upstream and downstream from the Sawtooth Hatchery salmon weir and trap		CLOSED TO FISHING		

Water	Species	Open Season Dates	Possession Limits	Special Rules
SALMON RIVER, EAST FORK	CUTTHROAT		0	CLOSED TO HARVEST.
—100 yards upstream and downstream from salmon weir and trap		CLOSED TO FISHING		
SALMON RIVER, MIDDLE FORK MAINSTEM	WHITEFISH			May be taken ONLY during seasons open for other species.
—From its mouth to Roaring Creek (approximately 4 miles)		Saturday of Memorial Day Week- end Aug 31		CATCH AND RELEASE.
—From Roaring Creek upstream to the posted boundary near the observation deck below Dagger Falls				CATCH AND RELEASE.
—From the observation deck below Dagger Falls to the Paek Bridge above the falls		CLOSED TO FISHING		
—From the Paek Bridge above Dagger Falls upstream to the confluence of Bear Valley and Marsh creeks	TROUT		2	
SALMON RIVER, MIDDLE FORK TRIBUTARIES, EXCEPT tributaries to Camas and Loon creeks (See each listed separately)				CATCH AND RELEASE.
SALMON RIVER, NORTH FORK	CUTTHROAT		0	CLOSED TO HARVEST.
SALMON RIVER, YANKEE FORK AND WEST FORK YANKEE FORK	CUTTHROAT		0	CLOSED TO HARVEST.
VALLEY CREEK		CUTTHROAT	0	CLOSED TO HARVEST.
		RAINBOW		ONLY rainbow with the adi- pose fin missing (as- evidenced by a healed scar) may be kept.
VALLEY CREEK LAKES 1 & 2 (alpine lakes in the Valley Creek drainage)				CATCH AND RELEASE.
YELLOWBELLY LAKE and inlet upstream to McDonald Lake				CATCH AND RELEASE.

(7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

405. STEELHEAD METHODS OF TAKE.

01. Hooks. Steelhead may be taken only with barbless hooks in the Salmon, Clearwater, and Snake River drainages. Bending the barb down to the shank of a single, double, or treble hook will meet this requirement. Steelhead may be taken with barbed hooks in the Boise and Payette River drainages. (3-20-97)

02. Snagging. No person shall kill or retain in possession any steelhead which has been hooked other than in the head. Any steelhead hooked other than in the head must be immediately released unharmed. (3-20-97)

03. Legal Catch. Any steelhead caught in a legal manner must be either released or killed immediately after it is landed. (3-20-97)

04. Restrictions And Legal Limit. Once an angler has attained his bag, possession or season limit on those waters with steelhead limits, he must cease fishing for steelhead, including catch-and-release fishing, EXCEPT in those river sections with a daily limit of one (1) steelhead per day, anglers may continue to fish on a catch-and-release basis only. (3-20-97)

05. No Harvest Or Closed To Harvest. Effort, by permitted methods, to catch or attempt to catch a steelhead is lawful with the restriction that any steelhead so caught must be released immediately, unharmed, back to the water. (3-20-97)

06. Keeping Marked Fish. Only steelhead which have been marked by clipping the adipose fin, as evidenced by a HEALED scar may be kept in the Salmon, Clearwater, and Snake River drainage. (3-20-97)

07. Fish Counted In Limit. All fish that are hooked, landed, and not immediately released shall be counted in the limits of the person hooking the fish. (3-20-97)

08. Special Limits. No person shall fish in waters having special limits while possessing fish of those species in excess of the special limits. (3-20-97)

09. One Rod. Only one (1) rod or pole may be used to fish for steelhead, even if you have purchased a two-pole validation. (3-13-00)T

406. FALL SEASONS AND LIMITS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets the seasons and regional exceptions by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-13-00)T

Daily bag, possession, and season limits are not cumulative limits. An angler may take a total of ten (10) steelhead during the fall season. Any person may fish for steelhead on a no harvest basis August 1 through December 31 in any water open to trout fishing EXCEPT in the Middle and South Forks of the Salmon River. (3-20-97)

~~**01. Salmon River.** From its mouth upstream to Redfish Lake Creek. Steelhead are the only game fish that may be kept between Horse Creek and the Pahsimeroi River during the steelhead season.~~ (3-20-97)

~~a. Season: September 1 - December 31. (3-20-97)~~

~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (3-20-97)~~

~~**02. Little Salmon River.** From its mouth upstream to the U.S. Highway 95 bridge near Smokey Boulder Road.~~ (3-20-97)

~~a. Season: September 1 - December 31. (3-20-97)~~

~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (3-20-97)~~

~~**03. Snake River.** From the Washington State Line at the confluence of the Snake and Clearwater Rivers~~

- ~~upstream to Hells Canyon Dam. (3-20-97)~~
- ~~a. Season: September 1–December 31. (3-20-97)~~
- ~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (3-20-97)~~
- ~~e. Special Restriction: Fishing from a boat within one hundred fifty (150) yards of Hells Canyon Dam is prohibited. (3-20-97)~~
- ~~**04. Clearwater River. From its mouth upstream to the Memorial Bridge of U.S. Highway 12 at Lewiston. (3-20-97)**~~
- ~~a. Season: September 1–December 31. (3-20-97)~~
- ~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (3-20-97)~~
- ~~**05. Clearwater River And Middle Fork Clearwater River. From the Memorial Bridge of U.S. Highway 12 at Lewiston upstream to the mouth of Clear Creek; South Fork Clearwater River from its mouth upstream to the confluence of American and Red rivers; and the North Fork of the Clearwater River from its mouth upstream to Dworshak Dam. (3-20-97)**~~
- ~~a. Season: October 15–December 31. (3-20-97)~~
- ~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (3-20-97)~~
- ~~e. Special Restrictions: (3-20-97)~~
- ~~i. Fishing from the shoreline along the perimeter of Dworshak National Fish Hatchery is prohibited. (3-20-97)~~
- ~~ii. Fishing from motorized watercraft is PROHIBITED from the Clearwater River Bridge at Orofino upstream to the mouth of Clear Creek. (3-20-97)~~
- ~~iii. Fishing from any watercraft is PROHIBITED between a posted line approximately one hundred fifty (150) yards upstream from the mouth of the North Fork of the Clearwater River upstream to the Ahsahka Highway Bridge. (3-20-97)~~
- ~~**06. Boise River. From its mouth upstream to Barber Dam. (3-20-97)**~~
- ~~a. Season: September 1–December 31. (3-20-97)~~
- ~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (3-20-97)~~
- ~~e. Special Restrictions: Rainbow trout longer than twenty (20) inches which have been marked by clipping the adipose fin are classified as steelhead and MUST be entered on a steelhead permit immediately after being reduced to possession. (3-20-97)~~
- ~~**07. Payette River. From its mouth upstream to Black Canyon Dam. (3-20-97)**~~
- ~~a. Season: September 1–December 31. (3-20-97)~~
- ~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (3-20-97)~~
- ~~e. Special Restrictions: Rainbow trout longer than twenty (20) inches which have been marked by clipping the adipose fin are classified as steelhead and MUST be entered on a steelhead permit immediately after being reduced to possession. (3-20-97)~~

- ~~08. **Snake River.** From Hells Canyon Dam upstream to Oxbow Dam. (3-20-97)~~
~~a. Season: September 1 – December 31. (3-20-97)~~
~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (3-20-97)~~
~~e. Special Restrictions: Rainbow trout longer than twenty (20) inches which have been marked by clipping the adipose fin are classified as steelhead and MUST be entered on a steelhead permit immediately after being reduced to possession. (3-20-97)~~

407. ~~SPRING SEASONS AND LIMITS:~~

~~Daily bag, possession, and season limits are not cumulative limits. An angler may take a total of ten (10) steelhead during the spring season. (7-1-98)~~

~~01. **Salmon River.** From its mouth upstream to Long Tom Creek (one fourth (1/4) mile upstream from the Middle Fork Salmon River). (7-1-98)~~

~~a. Season: January 1 – March 31. (7-1-98)~~

~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (7-1-98)~~

~~02. **Little Salmon River.** From its mouth upstream to the U.S. Highway 95 Bridge near Smokey Boulder Road. (7-1-98)~~

~~a. Season: January 1 – April 30. (7-1-98)~~

~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (7-1-98)~~

~~03. **Salmon River.** From Long Tom Creek (one fourth (1/4) mile upstream from the Middle Fork Salmon River) upstream to Redfish Lake Creek. (7-1-98)~~

~~a. Season: January 1 – April 30. (7-1-98)~~

~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (7-1-98)~~

~~e. Special Restrictions: Steelhead are the only game fish that may be reduced to possession between Horse Creek and Pahsimeroi River during steelhead season. (7-1-98)~~

~~04. **Snake River.** From the Washington State Line at the confluence of the Snake and Clearwater Rivers upstream to Hells Canyon Dam. (7-1-98)~~

~~a. Season: January 1 – April 30. (7-1-98)~~

~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (7-1-98)~~

~~05. **Clearwater River.** From its mouth upstream to the Memorial Bridge of U.S. Highway 12 at Lewiston. (3-20-97)~~

~~a. Season: January 1 – April 30. (7-1-98)~~

~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (7-1-98)~~

~~06. **Clearwater River And Middle Fork Clearwater River.** From the Memorial Bridge of U.S. Highway 12 at Lewiston upstream to the mouth of Clear Creek; North Fork Clearwater River from its mouth upstream to Dworshak Dam; South Fork Clearwater River from its mouth upstream to the confluence of American and Red rivers (7-1-98)~~

- ~~a. Season: January 1–April 30. (7-1-98)~~
- ~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (7-1-98)~~
- ~~c. Special Restrictions: (7-1-98)~~
- ~~i. Fishing from the shoreline along the perimeter of Dworshak National Fish Hatchery is prohibited. (7-1-98)~~
- ~~ii. Fishing from motorized watercraft is PROHIBITED from the Clearwater River Bridge at Orofino upstream to the mouth of Clear Creek. (7-1-98)~~
- ~~iii. Fishing from any watercraft is PROHIBITED between a posted line approximately one hundred fifty (150) yards upstream from the mouth of the North Fork of the Clearwater River upstream to the Ahsahka Highway bridge. (7-1-98)~~
- 07. Boise River. From its mouth upstream to Barber Dam. (7-1-98)**
- ~~a. Season: January 1–May 30. (7-1-98)~~
- ~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (7-1-98)~~
- ~~c. Special Restrictions: Rainbow trout longer than twenty (20) inches which have been marked by clipping the adipose fin are classified as steelhead and MUST be entered on a steelhead permit immediately after being reduced to possession. (7-1-98)~~
- 08. Payette River. From its mouth upstream to Black Canyon Dam. (7-1-98)**
- ~~a. Season: January 1–May 30. (7-1-98)~~
- ~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (7-1-98)~~
- ~~c. Special Restrictions: Rainbow trout longer than twenty (20) inches which have been marked by clipping the adipose fin are classified as steelhead and MUST be entered on a steelhead permit immediately after being reduced to possession. (7-1-98)~~
- 09. Snake River. From Hells Canyon Dam upstream to Oxbow Dam. (7-1-98)**
- ~~a. Season: January 1–May 30. (7-1-98)~~
- ~~b. Limits: two (2) per day four (4) in possession ten (10) per season. (7-1-98)~~
- ~~c. Special Restrictions: Rainbow trout longer than twenty (20) inches which have been marked by clipping the adipose fin are classified as steelhead and MUST be entered on a steelhead permit immediately after being reduced to possession. (7-1-98)~~

407. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

506. SEASONS AND LIMITS.

~~The following waters are open to fishing for chinook salmon during the periods listed. Waters not specifically designated below shall remain CLOSED to fishing for chinook. Pursuant to Section 36-105(3), Idaho Code, the~~

Commission now sets the seasons and regional exceptions by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (3-20-97)(3-13-00)T

~~**01. Little Salmon River.** From the Riggins water main pipeline crossing the Little Salmon River approximately two hundred (200) yards above its mouth, upstream to the U.S. Highway 95 bridge near Smokey Boulder Road. (3-20-97)~~

~~a. Season: (7-1-99)~~

~~b. Limits: two (2) per day, four (4) in possession, and six (6) per season. Jack salmon must be counted in the daily, possession, and season limit, and recorded on the salmon permit. (3-20-97)~~

~~c. Fishing hours: Fishing for salmon on the Little Salmon River is permitted only during the hours of 4:00 a.m. through 9:30 p.m. (MDT) during the open chinook salmon season. (3-20-97)~~

~~**02. Snake River.** From Lower Pittsburg Landing upstream to Hells Canyon Dam. (3-20-97)~~

~~a. Season: (7-1-99)~~

~~b. Limits: two (2) per day, four (4) in possession, and six (6) per season. Jack salmon must be counted in the daily, possession, and season limit, and recorded on the salmon permit. (3-20-97)~~

~~c. Fishing hours: Fishing for salmon on the Little Salmon River is permitted only during the hours of 4:00 a.m. through 9:30 p.m. (PDT) during the open chinook salmon season. (3-20-97)~~

~~**03. Mainstem Clearwater River.** From the Mouth of Big Canyon Creek (at Peck) upstream to the downstream-most boat ramp at the Ahsahka boat launch on the mainstem Clearwater River; and North Fork Clearwater River from its mouth upstream to Dworshak. (3-20-97)~~

~~a. Season: (3-20-97)~~

~~b. Limits: one (1) per day, two (2) in possession, and three (3) per season. Jack salmon must be counted in the daily, possession, and season limit, and recorded on the salmon permit. (3-20-97)~~

~~c. Fishing hours: Fishing for salmon on the Clearwater and North Fork Clearwater is permitted only during the hours of 4:00 a.m. through 9:30 p.m. (PDT) during the open chinook salmon season. (3-20-97)~~

~~d. Special restrictions: (3-20-97)~~

~~i. Fishing from the shoreline along the perimeter of Dworshak National Fish Hatchery is PROHIBITED. (3-20-97)~~

~~ii. Fishing from any watercraft is PROHIBITED between a posted line approximately one hundred fifty (150) yards upstream from the mouth of the North Fork Clearwater River to the Ahsahka Highway bridge. (3-20-97)~~

~~iii. All salmon harvested from the Clearwater River or North Fork Clearwater River MUST be checked by Idaho Department of Fish and Game daily, not later than 10:30 p.m. at the IDFG check stations at either the Ahsahka boat ramp, east of Dworshak National Fish Hatchery, or at Peck. (3-20-97)~~

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.15 - RULES GOVERNING THE USE OF DOGS
DOCKET NO. 13-0115-0001
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary and proposed rules are effective July 17, 2000.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 18, 2000.

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 the required finding and concise statement of the supporting reasons for proposed rulemaking:

To add required sections, to increase number of nonresident permits to encourage hunting in certain areas, and clarify the requirements for a hunting license and hound hunter permit.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Conferring a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. N/A

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Lonk Kuck at 334-2920.

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 25, 2000.

DATED this 18th day of August, 2000.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0115-0001

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-1101(b)(6), Idaho Code, to adopt rules concerning the use of dogs. (7-17-00)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.09.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.15, "Rules Governing the Use of Dogs". (7-17-00)T

02. Scope. These rules establish the methods for the use of dogs in taking wildlife in Idaho. (7-17-00)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(vi), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (7-17-00)T

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission". (7-17-00)T

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (7-17-00)T

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

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (7-17-00)T

~~006.~~ -- 009. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

100. USE OF HUNTING DOGS.

Dogs may be used to hunt or pursue ONLY the following wildlife, ONLY under the conditions listed, and ONLY if not prohibited by current rules: (7-1-93)

01. Upland Game Animals, Upland Game Birds, And Migratory Game Birds. To train on or hunt upland game animals, game birds, and migratory game birds. (4-5-00)

02. Taking With Conditions. To take black bear, mountain lion, bobcat, ~~lynx~~ fox and raccoon, ~~unprotected and predatory wildlife~~ provided that the following conditions are met: (7-1-93)(7-17-00)T

a. There is an open take season in the area to be hunted. (7-1-93)

b. Use of dogs is allowed during the take season in the area to be hunted. (7-1-93)

c. ~~No firearm season for deer or elk is open in the area to be hunted (EXCLUDING muzzleloader hunts and EXCLUDING controlled hunts during September and from November 25 to December 31).~~ Raccoons may be taken or pursued during firearm seasons for deer or elk. (7-1-93)(7-17-00)T

d. Once an individual has harvested an animal, he may continue to pursue. (7-17-00)T

~~e.~~ The following persons must have a valid Hound Hunters Permit in possession when dogs are being

~~run in the field used to hunt.~~

~~(10-26-94)(7-17-00)T~~

~~i. All participants in the hunt who are twelve (12) years old or older are required to have a valid Idaho hunting license and those participants older than seventeen (17) must have a Hound Hunter Permit. Any clients of licensed outfitters, when accompanied by that permitted outfitter or his licensed guide, or immediate family members accompanied by a permit holder that are listed by name on the permit holder's Hound Hunter Permit are exempted from having to have a separate Hound Hunting Permit. Anyone who owns pursuit dogs.~~

~~(4-5-00)(7-17-00)T~~

~~ii. Anyone having control of dogs owned by another person; or~~

~~(7-17-00)T~~

~~iii. Anyone that harvest's an animal over dogs, except clients of licensed outfitters.~~

~~(7-17-00)T~~

03. To Pursue With Conditions. To pursue black bear, mountain lion, bobcat, ~~lynx~~, and raccoon provided that the following conditions are met: ~~(7-1-93)(7-17-00)T~~

a. There is an open dog training season in the area to be hunted. ~~(7-1-93)~~

~~(7-1-93)~~

~~b. No firearm season (EXCLUDING muzzleloader hunts and EXCLUDING controlled hunts during September and from November 25 to December 31) for deer or elk is open in the area to be hunted. Anyone who owns or controls pursuit dogs must have purchased a black bear or a mountain lion tag to pursue the respective species. A tag which has been filled is valid for pursuit.~~

~~(7-1-93)(7-17-00)T~~

~~c. The following persons must have a valid Hound Hunter's Permit in possession when dogs are being used to hunt or pursue black bear, mountain lion, bobcat, fox, or raccoon, and unprotected and predatory wildlife:~~

~~(4-5-00)(7-17-00)T~~

~~i. All participants in the hunt who are twelve (12) years old or older are required to have a valid Idaho hunting license and those participants older than seventeen (17) must have a Hound Hunter Permit. Any clients of licensed outfitters, when accompanied by that permitted outfitter or his licensed guide, or immediate family members accompanied by a permit holder that are listed by name on the permit holder's Hound Hunter Permit are exempted from having to have a separate Hound Hunting Permit. Anyone who owns pursuit dogs.~~

~~(4-5-00)(7-17-00)T~~

~~ii. Anyone having control of dogs owned by another.~~

~~(7-17-00)T~~

04. Unprotected And Predatory Wildlife. A Hound Hunter Permit is not required to take and/or pursue unprotected and predatory wildlife. ~~(7-17-00)T~~

~~(7-17-00)T~~

(BREAK IN CONTINUITY OF SECTIONS)

200. HOUND HUNTER PERMIT.

01. Use of Hound Hunter Permits.

~~(4-5-00)~~

a. The following persons must have a valid Hound Hunter Permit in possession when dogs are being used to hunt or pursue black bear, mountain lion, bobcat, fox, and raccoon, ~~and unprotected and predatory wildlife:~~

~~(4-5-00)(7-17-00)T~~

~~i. All participants in the hunt who are twelve (12) years old or older are required to have a valid Idaho hunting license and those participants older than seventeen (17) must have a Hound Hunter Permit. Any clients of licensed outfitters, when accompanied by that permitted outfitter or his licensed guide, or immediate family members accompanied by a permit holder that are listed by name on the permit holder's Hound Hunter Permit are exempted from having to have a separate Hound Hunting Permit. Resident hunters who wish to list exempted family~~

~~members on their Hound Hunter Permit must sign an affidavit certifying that the names listed on his Hound Hunter permit are immediate family members as defined in Section 010. A maximum of four (4) family members may be listed on any single Hound Hunter Permit. Anyone who owns pursuit dogs.~~ (4-5-00)(7-17-00)T

ii. Anyone having control of dogs owned by another person. (7-17-00)T

b. Permits are not transferable EXCEPT, an outfitter licensed pursuant to the authority vested in the Outfitters and Guides Board, Sections 36-2101, et seq., Idaho Code, may convey the authority of his Hound Hunter Permit to a nonresident licensed guide operating for him. A nonresident guide will be deemed to be in compliance with this requirement if the guide has a copy of the above-referenced Hound Hunter Permit in his possession. (4-5-00)

c. Hound Hunter Permits are valid from January 1 through December 31 of each year. (4-5-00)

02. Limitation On Hound Hunter Permits For Nonresidents. No more than ~~fifty five~~ seventy (5570) nonresident hound hunter permits will be issued to nonresident hunters who are not licensed outfitters pursuant to the authority vested in the Outfitters and Guides Board, Sections 36-2101, et seq., Idaho Code. A licensed outfitter, who is a nonresident, is exempt from the limitation. Nonresident licensed outfitters and guides who have obtained a hound hunter permit under this exemption shall not use this for personal hunting. Sales of nonresident Hound Hunter Permits to the following persons shall not be counted in the quota for nonresidents: (4-5-00)(7-17-00)T

a. Unqualified Residents. Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (7-1-93)

b. Middle Fork Zone. Persons who hound hunt solely in big game units within the Middle Fork elk zone (Units 20A, 26, and 27) shall not be counted in the quota for nonresidents. (7-17-00)T

c. Selway Zone. Persons who hound hunt solely within the Selway Zone (Units 16A, 17, 19, and 20) shall not be counted in the quota for nonresidents. A total of forty (40) permits will be issued for Units 16A, 19, 20, and all of Unit 17, excluding Hunt Area 17-1 which will have six (6) permits. Hunt Area 17-1 is defined as that portion of Unit 17 south of the following boundary: Beginning at the junction of the Unit 17 boundary and Forest Service Trail 24, then west along Forest Service Trail 24 to the Selway River, then north along the Selway River to Forest Service Trail 40, then southwest along Forest Service Trail 40 to Forest Service Trail 3, then along Forest Service Trail 3 to the Unit 17 boundary. (7-17-00)T

d. Lolo Zone. Persons who hound hunt solely in the Lolo Zone (Units 10 and 12) shall not be counted in the quota for nonresidents. Six (6) permits will be issued for each of the following four (4) hunt areas: (7-17-00)T

i. Hunt Area 10-1 is that portion of Unit 10 on the north side of the North Fork of the Clearwater River drainage downstream from its junction with Kelly Creek. (7-17-00)T

ii. Hunt Area 10-2 is that portion of Unit 10 within the North Fork of the Clearwater River drainage upstream from its junction with Kelly Creek, and the Kelly Creek drainage excluding the Cayuse Creek drainage upstream from its junction with Forest Service Road 581. (7-17-00)T

iii. Hunt Area 12-1 is that portion of Unit 12 north of U.S. Highway 12, and west of Doe Creek Road (Forest Service Road 566). (7-17-00)T

iv. Hunt Area 12-2 is that portion of Unit 12 south of U.S. Highway 12 and west of Elk Summit Road (Forest Service Road 360). (7-17-00)T

03. Eligibility -- Residents. A resident Hound Hunter Permit may be obtained by a holder of a resident hunting license by paying the appropriate fee at a license vendor. ~~Resident hunters who wish to list exempted immediate family members on their Hound Hunter Permit must sign an affidavit certifying that the names listed on his Hound Hunter Permit are immediate family members as defined by Section 010.~~ (4-5-00)(7-17-00)T

04. Eligibility -- Nonresidents. (7-1-93)

a. Applications for Hound Hunter Permits shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than December 1 of the year preceding the year in which the permit is to be valid. (4-5-00)

b. Any application which is unreadable or which lacks the required information will be declared void and will not be entered in the drawing. All applications will be considered final. They may not be resubmitted after correction. (4-5-00)

c. Applicants must comply with the following requirements: (7-1-93)

i. No person may submit more than one (1) application for a Hound Hunter Permit. (4-5-00)

ii. Group applications will be accepted. A group application for a Hound Hunter Permit is defined as two (2) hunters applying for two (2) permits on the same application form. ~~Non residents who wish to list immediate family members on their permit must sign an affidavit certifying that the names listed on his Hound Hunter Permit are immediate family members as defined in Section 010.~~ (4-5-00)(7-17-00)T

~~iii. No applications will be accepted from residents of states or provinces that do not allow Idaho residents reciprocal opportunity to pursue game animals or furbearers with hounds, if such seasons exist. (7-1-93)~~

d. Hound Hunter Permits that remain unissued after the drawing may be issued by the Department on a first-come, first-served basis at the Regional offices during normal business hours on or after December 10. (4-5-00)

05. Invalidity Of Permit. In the event a permit is issued based on erroneous or fraudulent information, the permit is invalid and CANNOT be used. Any permit issued on the basis of fraudulent information is subject to the provisions of Title 36, Idaho Code, and IDAPA 13.01.01, "Rules Governing Licensing". (4-5-00)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.16 - THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE
AND THE TAKING OF FURBEARING ANIMALS

DOCKET NO. 13-0116-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: This temporary rule is effective May 10, 2000.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 18, 2000.

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 the required finding and concise statement of the supporting reasons for temporary rulemaking:

To add required sections to the rules and to do a biennial update and remove obsolete rules.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Conferring a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. N/A

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Wayne Melquist at 334-2920.

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 25, 2000.

DATED this 18th day of August, 2000.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0116-0001

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-1101(a), Idaho Code, to adopt rules concerning the trapping of predatory and unprotected wildlife and the taking of furbearing animals. (5-10-00)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.16.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.16, "The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals". (5-10-00)T

02. Scope. These rules establish the methods of trapping predatory and unprotected wildlife and the taking of furbearing animals in the state of Idaho. (5-10-00)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(vi), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (5-10-00)T

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission". (5-10-00)T

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (5-10-00)T

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

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (5-10-00)T

006. -- 009. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

- 01. Furbearing Animals.** Furbearing animals are defined as the following species: (7-1-93)
- a. Marten--*Martes americana*. (7-1-93)
 - b. Fisher--*Martes pennanti*. (7-1-93)
 - c. Mink--*Mustela vison*. (7-1-93)
 - d. Otter--~~*Lutra*~~ *Lontra* *Lutra canadensis*. (~~7-1-93~~)(5-10-00)T
 - e. Beaver--*Castor canadensis*. (7-1-93)
 - f. Muskrat--*Ondatra zibethicus*. (7-1-93)
 - g. Bobcat--*Felis rufus*. (7-1-93)
 - h. Lynx--*Felis lynx*. (7-1-93)

- i. Red Fox--*Vulpes vulpes*, and includes all color phases found in Idaho. (7-1-93)
- j. Raccoon--*Procyon lotor*. (7-1-93)
- k. Badger--*Taxidea taxus*. (7-1-93)
- 02. Predatory Wildlife.** Predatory wildlife is defined as the following species: (7-1-93)
 - a. Coyote. (7-1-93)
 - b. Jackrabbit. (7-1-93)
 - c. Skunk. (7-1-93)
 - d. Weasel. (7-1-93)

03. Unprotected Wildlife. Unprotected wildlife is defined as all animals OTHER than those classified by the Fish and Game Commission as game animals, upland game animals, game birds, game fish, crustacea, migratory birds, furbearing animals, threatened or endangered wildlife, protected nongame wildlife or predatory wildlife. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

100. IDENTIFICATION TAGS FOR TRAPS.

All traps or snares, except those used for pocket gophers, ground squirrels or other unprotected rodents, shall have attached to the snare or the chain of every trap, a metal tag bearing: (7-1-93)

- 01. Name And Address.** In legible English the name and current address of the trapper; or (7-1-93)
- 02. Number.** A six (6) digit number assigned by the Department. (7-1-93)

a. Any person wishing to mark his traps and/or snares with a six (6) digit number must make application to the Department at a ~~sub~~regional office, ~~regional~~ the McCall office, or the Headquarters Office. (~~7-1-93~~)(5-10-00)T

b. Any person who has been assigned a six (6) digit number to mark his traps and/or snares must notify the Department in writing at a subregional office, regional office, or the Headquarters Office within thirty (30) days of any change in address. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

150. PERMITS.

01. General. No person may trap in a controlled trapping unit for the designated species without having a valid permit for that controlled trapping unit in possession. In the event that a permit is issued based on erroneous information, the permit will be invalidated by the Department and may NOT be used. The Department will notify the permittee of the invalidation of the permit. The person will remain on the drawn list, and if there is a waiting period in a succeeding year, the person will be required to wait the specified time period. (7-1-93)

02. Eligibility. Any person possessing a valid Idaho trapping license is eligible to apply for a controlled trapping unit permit. (10-26-94)

03. Applications. Applications for controlled trapping permits shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than September 15 of each year. Any application which is unreadable, has incomplete or incorrect trapping license numbers, or which lacks the required information or fee will be declared void and will not be entered in the drawing. All applications will be considered final. They may not be resubmitted after correction. Applicants must comply with the following requirements: (7-1-93)

a. No person may submit more than one (1) application for a controlled beaver trapping ~~permit or a controlled muskrat and mink trapping permit.~~ (7-1-93)(5-10-00)T

b. No group applications will be accepted. (7-1-93)

04. Controlled Trapping Permit Drawing. (7-1-93)

a. Applications that are not drawn for the first choice unit will automatically be entered into a second choice drawing, provided the second choice applied for has not been filled. (7-1-93)

b. If an insufficient number of "first choice" applications are received for a unit, remaining permits will be filled from applications listing the unit as a second choice. (10-26-94)

c. Any permits left unfilled after the second choice drawing may be issued on a first-come-first-served basis. (10-26-94)

05. Successful Applicants. Successful applicants will be notified by mail and must contact the person listed on the notice by October 14 to obtain the permit. The permittee, upon agreeing to follow trapping instructions for the unit, will be issued a permit. (7-1-93)

06. Revocation Of Permits. Any permittee who does not comply with the following will have his permit revoked: (7-1-93)

a. The Fish and Game Code and these rules; or (7-1-93)

b. The instructions for the trapping unit. (7-1-93)

07. Alternative Permittee. Any revoked permit may be issued to an alternate, selected at the time of the drawing. If there is no alternate, or the alternate fails to comply with Subsection 150.05 above, the permit may be issued to the first eligible trapper answering a notification of vacant trapping Unit as approved by the Regional Supervisor. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

400. METHODS OF TAKE.

01. Furbearing Animals. No person shall take beaver, muskrat, mink or marten by any method other than trapping. In Valley County and portions of Adams County in the Little Salmon River drainage, red fox may be taken only by trapping. (7-1-93)

02. Hunting. No person hunting permissible furbearing animals or predatory or unprotected wildlife shall: (7-1-93)

a. Hunt with any weapon the possession of which is prohibited by state or federal law. (7-1-93)

- b. Hunt with dogs unless they comply with IDAPA 13.01.15, "Rules Governing the Use of Dogs". (7-1-93)
 - c. Hunt any furbearing animal, except raccoon, with or by the aid of artificial light. (7-1-93)
 - d. No person hunting raccoon at night shall: (7-1-93)
 - i. Hunt from a motorized vehicle. (7-1-93)
 - ~~ii. Use any light using more than four and one-half (4.5) volts of electricity. (7-1-99)~~
 - iii. Use any light attached to any motor vehicle. (7-1-93)
 - ~~i+ii.~~ Hunt on private land without obtaining written permission from the landowner or lessee. (7-1-93)
- 03. Trapping.** No person trapping furbearing animals or predatory or unprotected wildlife shall: (7-1-93)
- a. Use for bait or scent, any part of any game bird, game animal, game fish, or protected nongame wildlife. (7-1-93)
 - b. Use any dry land set within thirty (30) feet of any visible bait except bleached bones of: furbearers, unprotected, or predatory wildlife. (7-1-93)
 - c. Use a dirt hole set with bait unless the person ensures that the bait remains covered at all times to protect raptors and other meat-eating birds from being caught accidentally. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

500. MANDATORY CHECK AND REPORT - PELT TAG REQUIREMENTS.

01. Mandatory Check And Report. Any person trapping river otter taking bobcat, whether by hunting or trapping, must comply with the mandatory check and report and pelt tag requirements by: ~~(7-1-99)~~(5-10-00)T

~~a. Presenting the lower jaw of all bobcat taken to a regional office, subregional office or official check point and completing the relevant harvest report. (7-1-93)~~

~~ba. Presenting the pelts of all bobcat taken to a regional office, subregional the McCall office or official check point to obtain the appropriate pelt tag and complete a harvest report. To have a pelt tagged, the pelt must be legally taken in Idaho and must be presented to a regional office, the McCall office, or designated checkpoint of IDFG during normal working hours -- 8 a.m. to 5 p.m. (7-1-98)(5-10-00)T~~

b. Additional River Otter Requirements: (5-10-00)T

i. Pelts must be tagged by IDFG personnel at the regional office in the region in which the animal was taken within seventy-two (72) hours of taking. Trappers unable to comply with the tagging requirements due to special or unique circumstances must report their harvest to the appropriate regional office or field personnel within seventy-two (72) hours and make arrangements for tagging at the proper regional office. Pelts not registered or presented to Department personnel within seventy-two (72) hours are subject to confiscation. (5-10-00)T

ii. Trappers must surrender the skull and possibly other organs or the carcass to the Department to aid in evaluating the harvest. Check with the IDFG regional office for further information when reporting a harvest. (5-10-00)T

iii. No person shall have in possession, except during the open season and for seventy-two (72) hours after the close of the season, any raw otter pelt legally harvested in Idaho which does not have an official state export tag attached. (5-10-00)T

02. Pelt Tags. A fee of two dollars (\$2) will be charged for each pelt tag. An additional one-dollar and fifty cent (\$1.50) vendor fee will be charged to each license holder when pelts are brought in for tagging. (7-1-93)(5-10-00)T

a. No person shall have in possession, except during the open season and for ten (10) days after the close of the season, any raw bobcat pelt which does not have an official state export tag attached (either Idaho's or another state's official export tag). (7-1-98)

b. No person shall sell, offer for sale, purchase, or offer to purchase any raw bobcat or other pelt which does not have an official state export tag attached. (7-1-98)(5-10-00)T

(BREAK IN CONTINUITY OF SECTIONS)

750. SEASONS.

01. Restricted Fur-Bearing Animals. There is NO open season for Fisher, Kit Fox, ~~or Lynx, or Otter.~~ (7-1-98)(5-10-00)T

02. ~~Badger. Statewide -- July 1 through June 30.~~ Upland Game Brochure. Please see the Upland Game brochure, which contains the Commission's proclamation setting seasons, bag, and possession limits. (7-1-98)(5-10-00)T

~~**03. General Beaver Season.** (10-26-94)~~

~~a. November 1 through March 31 in the following counties: (7-1-93)~~

~~i. Ada. EXCEPT the Boise River Wildlife Management Area. (7-1-93)~~

~~ii. Adams. (7-1-93)~~

~~iii. Benewah. (7-1-93)~~

~~iv. Blaine. EXCEPT all public lands within the following drainages: Big Wood River upstream from North Fork Big Wood River, Big Wood River tributaries below North Fork Big Wood River to Magic Reservoir, Camp Creek, Dry Creek, Friedman Creek, North Fork Big Wood River, Poison Creek, Rock Creek, Copper Creek (tributary to Muldoon Creek), Cove Creek, and Sheep Creek. And EXCEPT all lands within the Little Fish Creek and the Cold Spring Creek drainages (tributary to Little Wood River). (7-1-93)~~

~~v. Boise. EXCEPT the Boise River Wildlife Management Area. (7-1-93)~~

~~vi. Bonner. (7-1-93)~~

~~vii. Boundary. (7-1-93)~~

~~viii. Camas. EXCEPT all public lands within the following drainages: Big Deer Creek, Corral Creek above Baseline Road, Elk Creek, Lime Creek, Little Smoky Creek, and Willow Creek. (7-1-93)~~

~~ix. Canyon. (7-1-93)~~

- x. ~~Cassia. EXCEPT all public lands within the Big Cottonwood Creek, Dry Creek, Trapper Creek, and Trout Creek drainages. (7-1-98)~~
- xi. ~~Clearwater. EXCEPT East Fork Potlatch River drainage. (4-25-93)~~
- xii. ~~Elmore. EXCEPT all public lands within the following drainages: Bear Creek (tributary to Feather River), Case Creek, Fall Creek upstream from and including Meadow Creek, Clover Creek, King Hill Creek, Lime Creek, Smith Creek upstream from Washboard Creek, Syrup Creek, Trinity Creek, Willow Creek (tributary to South Fork Boise River), and Wood Creek (tributary to South Fork Boise River). And EXCEPT all lands within the Boise River Wildlife Management Area. (7-1-93)~~
- xiii. ~~Gem. EXCEPT Squaw Creek above the Ola Bridge. (7-1-93)~~
- xiv. ~~Gooding. EXCEPT all public lands within the following drainages: Black Canyon Creek, Clover Creek, and Thorn Creek. And EXCEPT all lands within Hagerman and Niagara Springs Wildlife Management Areas. (7-1-93)~~
- xv. ~~Idaho. EXCEPT the following drainages: Big Creek upstream from Monumental Creek, and Chamberlin Creek. And EXCEPT the main stem of the Middle Fork Clearwater River from Maggie Creek upstream, main stem of the Lochsa River, Seeesh River above the Long Gulch Bridge, and the main stem of the Setway River. (7-1-93)~~
- xvi. ~~Jerome. (7-1-93)~~
- xvii. ~~Kootenai. (7-1-93)~~
- xviii. ~~Latah. (7-1-98)~~
- xix. ~~Lewis. (7-1-93)~~
- xx. ~~Lincoln. EXCEPT Preacher Creek drainage on public lands. (7-1-93)~~
- xxi. ~~Minidoka. (7-1-93)~~
- xxii. ~~Nez Perce. EXCEPT all northern tributaries to the Salmon River downstream from but excluding Maloney Creek, and all tributaries to the Snake River below the mouth of the Salmon River. (7-1-93)~~
- xxiii. ~~Owyhee. (7-1-93)~~
- xxiv. ~~Payette. (7-1-93)~~
- xxv. ~~Shoshone. (7-1-93)~~
- xxvi. ~~Twin Falls. EXCEPT all public lands within the Goose Creek, McMullen Creek, and Shoshone Creek drainages. (7-1-98)~~
- xxvii. ~~Valley. EXCEPT the following drainages: Big Creek upstream from Monumental Creek, Johnson Creek upstream from Landmark, South Fork Salmon River upstream from the fish trap near the mouth of Cabin Creek, Bear Valley Creek, and Sulphur Creek. (7-1-93)~~
- xxviii. ~~Washington. (7-1-93)~~
- b. ~~October 22 through April 15 in the following counties: (10-26-94)~~
- i. ~~Bannock. EXCEPT Cherry Creek (tributary to Marsh Creek), Dempsey Creek above cattle guard, Mink Creek drainage, and Gibson Jack Creek. (10-26-94)~~

- ii. ~~Bear Lake. EXCEPT Pearl Creek drainage.~~ (5-6-94)
- iii. ~~Bingham. EXCEPT Cedar Creek and Miner Creek.~~ (10-26-94)
- iv. ~~Bonneville.~~ (10-26-94)
- v. ~~Butte.~~ (10-26-94)
- vi. ~~Caribou. EXCEPT Dike Lake, Toponce Creek drainage on National Forest lands, and Pebble Creek drainage.~~ (10-26-94)
- vii. ~~Clark. EXCEPT the following drainages: Edie Creek, Irving Creek, Miners Creek, Three Mile Creek, and West Camas Creek upstream from the Targhee National Forest boundary.~~ (7-1-99)
- viii. ~~Custer. EXCEPT Marsh Creek Drainage.~~ (7-1-98)
- ix. ~~Franklin. EXCEPT Logan River drainage including the Beaver Creek and White's Creek drainages.~~ (10-26-94)
- x. ~~Fremont.~~ (10-26-94)
- xi. ~~Jefferson.~~ (10-26-94)
- xii. ~~Lemhi. EXCEPT Dahlenca Creek Drainage.~~ (7-1-98)
- xiii. ~~Madison.~~ (10-26-94)
- xiv. ~~Oneida.~~ (10-26-94)
- xv. ~~Power.~~ (10-26-94)
- xvi. ~~Teton.~~ (7-1-98)
- 04. ~~Controlled Beaver Trapping Units.~~** (7-1-93)

UNIT SEASON	DATES	NUMBER OF ANIMALS TO BE TAKEN
201 - That portion of the East Fork Potlatch River drainage in Latah and Clearwater Counties.	November 1 through March 31	10
202 - That portion of the Palouse River drainage in Latah County upstream from Laird Park Dam.	November 1 through March 31	10
203 - That portion of the Toponce Creek drainage in Caribou County that is on National Forest lands.	October 22 through April 15	10
204 - Pebble Creek Unit in Caribou County. Pebble Creek drainage.	October 22 through April 15	10

(7-1-99)

05. ~~Bobcat.~~

(7-1-98)

- ~~a. Take Season. STATEWIDE. December 1 through January 31. (7-1-98)~~
- ~~b. Bobcat Dog Training Seasons. Bobcat may NOT be killed during these seasons. (7-1-98)~~
- ~~06. Fox. (7-1-93)~~
- ~~a. July 1 through June 30, in the following counties: (7-1-98)~~
- ~~i. Ada. (10-26-94)~~
- ~~ii. Adams. EXCEPT private lands within the Little Salmon River drainage CLOSED. Fox may be taken only by trapping on National Forests and state of Idaho lands within the Little Salmon River drainage. (7-1-99)~~
- ~~iii. Bannock. (7-1-93)~~
- ~~iv. Bear Lake. (7-1-93)~~
- ~~v. Bingham. (7-1-93)~~
- ~~vi. Blaine — south and east of U.S. Highway 93. (7-1-93)~~
- ~~vii. Boise. (10-26-94)~~
- ~~viii. Bonneville. (7-1-93)~~
- ~~ix. Butte. (7-1-93)~~
- ~~x. Canyon. (10-26-94)~~
- ~~xi. Caribou. (7-1-93)~~
- ~~xii. Cassia. (7-1-93)~~
- ~~xiii. Clark. (7-1-93)~~
- ~~xiv. Custer. (7-1-99)~~
- ~~xv. Elmore. (7-1-93)~~
- ~~xvi. Franklin. (7-1-93)~~
- ~~xvii. Fremont. (7-1-93)~~
- ~~xviii. Gem. (10-26-94)~~
- ~~xix. Gooding. (7-1-93)~~
- ~~xx. Jefferson. (7-1-93)~~
- ~~xxi. Jerome. (7-1-93)~~
- ~~xxii. Lemhi. (7-1-93)~~
- ~~xxiii. Lincoln. (7-1-93)~~
- ~~xxiv. Madison. (7-1-93)~~

- xxv. ~~Minidoka.~~ (7-1-93)
- xxvi. ~~Oneida.~~ (7-1-93)
- xxvii. ~~Owyhee.~~ (7-1-93)
- xxviii. ~~Payette.~~ (7-1-93)
- xxix. ~~Power.~~ (7-1-93)
- xxx. ~~Teton.~~ (7-1-93)
- xxxi. ~~Twin Falls.~~ (7-1-93)
- xxxii. ~~Valley. Open only on National Forests and state of Idaho lands; all other lands -- CLOSED. Fox may be taken only by trapping.~~ (7-1-98)
- xxxiii. ~~Washington.~~ (7-1-93)
- b. ~~October 15 through January 31 in the following counties:~~ (7-1-98)
 - i. ~~Benewah.~~ (7-1-93)
 - ii. ~~Blaine -- north and west of U.S. Highway 93.~~ (7-1-93)
 - iii. ~~Bonner.~~ (7-1-93)
 - iv. ~~Boundary.~~ (7-1-93)
 - v. ~~Camas.~~ (7-1-93)
 - vi. ~~Clearwater.~~ (7-1-93)
 - vii. ~~Idaho.~~ (7-1-93)
 - viii. ~~Kootenai.~~ (7-1-93)
 - ix. ~~Latah.~~ (7-1-93)
 - x. ~~Lewis.~~ (7-1-93)
 - xi. ~~Nez Perce.~~ (7-1-93)
 - xii. ~~Shoshone.~~ (7-1-93)
- ~~07. Marten. November 1 through January 31 in the following area:~~ (7-1-93)
 - a. ~~Statewide.~~ (7-1-93)
 - b. ~~EXCEPT Bear Lake and Franklin Counties.~~ (7-1-93)
- ~~08. General Mink Season.~~ (10-26-94)
 - a. ~~October 15 through March 31 in the following area:~~ (10-26-94)
 - i. ~~Twin Falls County. All man-made canals under the control of the Twin Falls Canal Company and those sections of Cedar Draw Creek, Cottonwood Creek, Deep Creek, McMullen Creek and Rock Creek and their~~

- ~~tributaries north of the Main and Highline Canals. (10-26-94)~~
- ~~b. October 22 through November 30 in the following area: (7-1-99)~~
 - ~~i. Jefferson. ONLY Mud Lake and Market Lake Wildlife Management Areas. (10-26-94)~~
 - ~~e. November 1 through March 31 in the following counties, with the following exceptions: (7-1-98)~~
 - ~~i. Ada. (7-1-98)~~
 - ~~ii. Adams. (7-1-98)~~
 - ~~iii. Benewah. (7-1-98)~~
 - ~~iv. Blaine. (7-1-98)~~
 - ~~v. Boise. (7-1-98)~~
 - ~~vi. Bonner. (7-1-98)~~
 - ~~vii. Boundary. (7-1-98)~~
 - ~~viii. Camas. (7-1-98)~~
 - ~~xi. Canyon. (7-1-98)~~
 - ~~x. Cassia. (7-1-98)~~
 - ~~xi. Clearwater. (7-1-98)~~
 - ~~xii. Elmore. (7-1-98)~~
 - ~~xiii. Gem. (7-1-98)~~
 - ~~xiv. Gooding. EXCEPT Snake River between Niagara Springs and Clear Lakes Bridge; and the Billingsley Creek, Hagerman and Niagara Springs Wildlife Management Areas. (10-26-94)~~
 - ~~xv. Idaho. (7-1-98)~~
 - ~~xvi. Jerome. (7-1-98)~~
 - ~~xvii. Kootenai. (7-1-98)~~
 - ~~xviii. Latah. (7-1-98)~~
 - ~~xix. Lewis. (7-1-98)~~
 - ~~xx. Lincoln. (7-1-98)~~
 - ~~xxi. Minidoka. (7-1-98)~~
 - ~~xxii. Nez Perce. (7-1-98)~~
 - ~~xxiii. Owyhee. (7-1-98)~~
 - ~~xxiv. Payette. (7-1-98)~~

- ~~xxv. Shoshone. (7-1-98)~~
- ~~xxvi. Twin Falls. EXCEPT all man-made canals under the control of the Twin Falls Canal Company and those sections of Cedar Draw Creek, Cottonwood Creek, Deep Creek, McMullen Creek and Rock Creek and their tributaries north of the Main and Highline Canals. (10-26-94)~~
- ~~xxvii. Valley. (7-1-98)~~
- ~~xxviii. Washington. (7-1-98)~~
- ~~d. October 22 through April 15 in the following counties: (7-1-98)~~
- ~~i. Bannock. (7-1-98)~~
- ~~ii. Bear Lake. (7-1-98)~~
- ~~iii. Bingham, EXCEPT the Sterling Wildlife Management Area. (7-1-98)~~
- ~~iv. Bonneville. (7-1-98)~~
- ~~v. Butte. (7-1-98)~~
- ~~vi. Caribou. (7-1-98)~~
- ~~vii. Clark. (7-1-98)~~
- ~~viii. Custer. (7-1-98)~~
- ~~ix. Franklin. (7-1-98)~~
- ~~x. Fremont. (7-1-98)~~
- ~~xi. Jefferson, EXCEPT Mud Lake and Market Lake Wildlife Management Areas. (7-1-98)~~
- ~~xii. Lemhi. (7-1-98)~~
- ~~xiii. Madison. (7-1-98)~~
- ~~xiv. Oneida. (7-1-98)~~
- ~~xv. Power. (7-1-98)~~
- ~~xvi. Teton. (7-1-98)~~
- ~~**09. General Muskrat Season. (10-26-94)**~~
- ~~a. October 15 through March 31 in the following area: (7-1-93)~~
- ~~i. Twin Falls County. All man-made canals under the control of the Twin Falls Canal Company and those sections of Cedar Draw Creek, Cottonwood Creek, Deep Creek, McMullen Creek and Rock Creek and their tributaries north of the Main and Highline Canals. (7-1-93)~~
- ~~b. October 22 through November 30 in the following area: (7-1-99)~~
- ~~i. Jefferson. ONLY Mud Lake and Market Lake Wildlife Management Areas. (7-1-93)~~
- ~~e. November 1 through March 31 in the following counties: (10-26-94)~~

<i>i.</i>	<i>Ada.</i>	<i>(10-26-94)</i>
<i>ii.</i>	<i>Adams.</i>	<i>(10-26-94)</i>
<i>iii.</i>	<i>Benewah.</i>	<i>(10-26-94)</i>
<i>iv.</i>	<i>Blaine.</i>	<i>(10-26-94)</i>
<i>v.</i>	<i>Boise.</i>	<i>(10-26-94)</i>
<i>vi.</i>	<i>Bonner.</i>	<i>(10-26-94)</i>
<i>vii.</i>	<i>Boundary.</i>	<i>(10-26-94)</i>
<i>viii.</i>	<i>Camas.</i>	<i>(10-26-94)</i>
<i>ix.</i>	<i>Canyon.</i>	<i>(10-26-94)</i>
<i>x.</i>	<i>Cassia.</i>	<i>(10-26-94)</i>
<i>xi.</i>	<i>Clearwater.</i>	<i>(10-26-94)</i>
<i>xii.</i>	<i>Elmore.</i>	<i>(10-26-94)</i>
<i>xiii.</i>	<i>Gem.</i>	<i>(10-26-94)</i>
<i>xiv.</i>	<i>Gooding. EXCEPT Snake River between Niagara Springs and Clear Lakes Bridge; and the Billingsley Creek, Hagerman and Niagara Springs Wildlife Management Areas.</i>	<i>(10-26-94)</i>
<i>xv.</i>	<i>Idaho.</i>	<i>(10-26-94)</i>
<i>xvi.</i>	<i>Jerome.</i>	<i>(10-26-94)</i>
<i>xvii.</i>	<i>Kootenai.</i>	<i>(10-26-94)</i>
<i>xviii.</i>	<i>Latah.</i>	<i>(10-26-94)</i>
<i>xix.</i>	<i>Lewis.</i>	<i>(10-26-94)</i>
<i>xx.</i>	<i>Lincoln.</i>	<i>(10-26-94)</i>
<i>xxi.</i>	<i>Minidoka.</i>	<i>(10-26-94)</i>
<i>xxii.</i>	<i>Nez Perce.</i>	<i>(10-26-94)</i>
<i>xxiii.</i>	<i>Owyhee.</i>	<i>(10-26-94)</i>
<i>xxiv.</i>	<i>Payette.</i>	<i>(10-26-94)</i>
<i>xxv.</i>	<i>Shoshone.</i>	<i>(10-26-94)</i>
<i>xxvi.</i>	<i>Twin Falls. EXCEPT all man-made canals under the control of the Twin Falls Canal Company and those sections of Cedar Draw Creek, Cottonwood Creek, Deep Creek, McMullen Creek and Rock Creek and their tributaries north of the Main and Highline Canals.</i>	<i>(10-26-94)</i>
<i>xxvii.</i>	<i>Valley.</i>	<i>(10-26-94)</i>

- ~~xxviii. Washington. (10-26-94)~~
- ~~d. October 22 through April 15 in the following counties: (10-26-94)~~
- ~~i. Bannock. (10-26-94)~~
- ~~ii. Bear Lake. (10-26-94)~~
- ~~iii. Bingham. EXCEPT the Sterling Wildlife Management Area. (10-26-94)~~
- ~~iv. Bonneville. (10-26-94)~~
- ~~v. Butte. (10-26-94)~~
- ~~vi. Caribou. (10-26-94)~~
- ~~vii. Clark. (7-1-98)~~
- ~~viii. Custer. (7-1-98)~~
- ~~ix. Franklin. (10-26-94)~~
- ~~x. Fremont. (10-26-94)~~
- ~~xi. Jefferson. EXCEPT Mud Lake and Market Lake Wildlife Management Areas. (10-26-94)~~
- ~~xii. Lemhi. (7-1-98)~~
- ~~xiii. Madison. (10-26-94)~~
- ~~xiv. Oneida. (10-26-94)~~
- ~~xv. Power. (10-26-94)~~

10. ~~Controlled Mink And Muskrat Trapping Units:~~

UNIT	WILDLIFE MANAGEMENT AREA	SEASON DATES	NO. PERMITS
601	Billingsley Creek	February 15 - February 28	2
602	Hagerman	February 15 - February 28	4
603	Niagara Springs	February 15 - February 28	1
604	Sterling	November 1 - March 31	1

- ~~(7-1-93)~~
- 11. ~~Raccoon. Take Season:~~ (7-1-98)**
- ~~a. November 1 through March 31 in the following counties: (7-1-98)~~
- ~~i. Ada. (7-1-98)~~
- ~~ii. Adams. (7-1-98)~~

<i>iii.</i>	<i>Benewah.</i>	<i>(7-1-98)</i>
<i>iv.</i>	<i>Blaine.</i>	<i>(7-1-98)</i>
<i>v.</i>	<i>Boise.</i>	<i>(7-1-98)</i>
<i>vi.</i>	<i>Bonner.</i>	<i>(7-1-98)</i>
<i>vii.</i>	<i>Boundary.</i>	<i>(7-1-98)</i>
<i>viii.</i>	<i>Camas.</i>	<i>(7-1-98)</i>
<i>ix.</i>	<i>Canyon.</i>	<i>(7-1-98)</i>
<i>x.</i>	<i>Cassia.</i>	<i>(7-1-98)</i>
<i>xi.</i>	<i>Clearwater.</i>	<i>(7-1-98)</i>
<i>xii.</i>	<i>Elmore.</i>	<i>(7-1-98)</i>
<i>xiii.</i>	<i>Gem.</i>	<i>(7-1-98)</i>
<i>xiv.</i>	<i>Gooding.</i>	<i>(7-1-98)</i>
<i>xv.</i>	<i>Idaho.</i>	<i>(7-1-98)</i>
<i>xvi.</i>	<i>Jerome.</i>	<i>(7-1-98)</i>
<i>xvii.</i>	<i>Kootenai.</i>	<i>(7-1-98)</i>
<i>xviii.</i>	<i>Latah.</i>	<i>(7-1-98)</i>
<i>xix.</i>	<i>Lewis.</i>	<i>(7-1-98)</i>
<i>xx.</i>	<i>Lincoln.</i>	<i>(7-1-98)</i>
<i>xxi.</i>	<i>Minidoka.</i>	<i>(7-1-98)</i>
<i>xxii.</i>	<i>Nez Perce.</i>	<i>(7-1-98)</i>
<i>xxiii.</i>	<i>Owyhee.</i>	<i>(7-1-98)</i>
<i>xxiv.</i>	<i>Payette.</i>	<i>(7-1-98)</i>
<i>xxv.</i>	<i>Shoshone.</i>	<i>(7-1-98)</i>
<i>xxvi.</i>	<i>Twin Falls.</i>	<i>(7-1-98)</i>
<i>xxvii.</i>	<i>Valley.</i>	<i>(7-1-98)</i>
<i>xxviii.</i>	<i>Washington.</i>	<i>(7-1-98)</i>
<i>b.</i>	<i>October 22 through April 15 in the following counties:</i>	<i>(7-1-98)</i>
<i>i.</i>	<i>Bannock.</i>	<i>(7-1-98)</i>

- ~~ii. Bear Lake. (7-1-98)~~
- ~~iii. Bingham (7-1-98)~~
- ~~iv. Bonneville. (7-1-98)~~
- ~~v. Butte. (7-1-98)~~
- ~~vi. Caribou. (7-1-98)~~
- ~~vii. Clark. (7-1-98)~~
- ~~viii. Custer. (7-1-98)~~
- ~~ix. Franklin. (7-1-98)~~
- ~~x. Fremont. (7-1-98)~~
- ~~xi. Jefferson. (7-1-98)~~
- ~~xii. Lemhi. (7-1-98)~~
- ~~xiii. Madison. (7-1-98)~~
- ~~xiv. Oneida. (7-1-98)~~
- ~~xv. Power. (7-1-98)~~
- ~~xvi. Teton. (7-1-98)~~

~~**12. Raccoon Dog Training Season.** Raccoon may NOT be killed during these seasons: STATEWIDE—
August 15 through October 31. (7-1-98)~~

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME
13.01.17 - RULES GOVERNING THE USE OF BAIT FOR TAKING BIG GAME ANIMALS
DOCKET NO. 13-0117-0001
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary and proposed rules are effective March 13, 2000.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 36-104(b), 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 18, 2000.

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 the required finding and concise statement of the supporting reasons for the proposed rulemaking:

To clarify the restrictions on locating bear bait near water.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

It confers a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. N/A

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rulemaking, contact Lonk Kuck at 334-2920.

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 25, 2000.

DATED this 18th day of August 2000.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0117-0001

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-1101(a), Idaho Code, to adopt rules concerning the use of bait for taking big game animals. (3-13-00)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.17.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.17, "Rules Governing the Use of Bait for Taking Big Game Animals". (3-13-00)T

02. Scope. These rules establish the methods for using bait for taking big game animals in the state of Idaho. (3-13-00)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(vi), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (3-13-00)T

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission". (3-13-00)T

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (3-13-00)T

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

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (3-13-00)T

006. -- 099. (RESERVED).

100. USE OF BAIT.

Bait 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. (7-9-93)

01. Time. (7-1-93)

a. No bait may be placed for the purpose of attracting or taking black bear prior to the opening of black bear take season. (7-1-93)

b. All bait containers and materials must be removed and all excavations refilled no later than seven (7) days after the close of the spring and fall black bear seasons. (3-20-97)

02. Location. (7-1-93)

a. No bait site may be located within two hundred (200) ~~yards~~ feet of any ~~free~~ 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. (7-1-93)(3-13-00)T

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 parts of or whole game animals, game birds, or game fish may be used as bait. (7-1-93)

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

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 of the close of the spring and fall black bear seasons. (3-20-97)

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)

IDAPA 19 - IDAHO DEPARTMENT OF FISH AND GAME
13.01.19 - RULES GOVERNING OPERATING, DISCONTINUING, AND SUSPENDING VENDORS
DOCKET NO. 13-0119-0001

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: This temporary rule is effective March 13, 2000.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 18, 2000.

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 the required finding and concise statement of the supporting reasons for proposed rulemaking:

This rulemaking add new required sections to the rule and corrects obsolete language regarding military personnel obtaining resident licenses and tags.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule confers a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. N/A

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Steve Barton at 334-3781.

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 25, 2000.

DATED this 18th day of August 2000.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0119-0001

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule.

(3-13-00)T

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

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707.

(3-13-00)T

0046. -- 009. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

132. MILITARY PERSONNEL - U.S. AND FOREIGN.

01. Nonresident.

(3-20-97)

a. Active. Servicemen who are not residents of the state; and

(3-20-97)

i. Whose permanent duty station is not Idaho; or

(3-20-97)

ii. Are on temporary duty assignment (TDY) to Idaho are not entitled to resident Fish and Game licenses or a military permit. They must purchase nonresident licenses and tags to hunt and fish within the state.

(3-20-97)

b. Discharged. Discharged servicemen who were not residents of the state of Idaho at the time of their induction or enlistment, or who have not been stationed within the state of Idaho for a period of at least six (6) months prior to their discharge are not entitled to resident Fish and Game licenses until they have domiciled in this state for a period of six (6) months. The discharge paper Form DD214 will indicate the home of record.

(3-20-97)

c. Civilian employees of the military are NOT eligible for resident licenses until they meet the regular requirements for residency.

(3-20-97)

02. Resident. A nonresident member of the Armed Forces of the United States, in order to purchase resident licenses and tags shall present to the vendor a copy of Form 899 "Request and Authorization for Permanent Change of Station-Military". The only date the vendor is to use from a copy of the orders is the "Report No Later Than" date located in Block 6 on Form 899. Spouses and dependent children are considered residents for licensing purposes provided that each dependent shall have a certified Form 28 in their own name. Dependent children are defined as being under eighteen (18) years of age, ~~not married, or under twenty-three (23) years of age if enrolled full-time in an institution of higher learning.~~ Idaho residents who are in the military service of the United States and maintain Idaho as their official home of ~~record~~ residence shall be eligible to purchase a resident license or obtain a furlough permit. The spouse and children under the age of eighteen (18), living in the household, may purchase resident hunting and/or fishing licenses.

~~(3-20-97)~~(3-13-00)T

IDAPA 15 - OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING
15.01.01 - RULES GOVERNING SENIOR SERVICES PROGRAM
DOCKET NO. 15-0101-0001
NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2001 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-5003(3) Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Subsection 044.07 is being revised to change the citation made to Subsection 041.09 in the current rule to a new Section 030 which is part of the proposed rule being promulgated under Docket Number 15-0101-0002. With the exception of this change, the rule is being adopted as proposed.

The original text of the proposed rule was published in the January 5, 2000, Idaho Administrative Bulletin, Volume No. 00-1, pages 74 through 76.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ken Wilkes, (208) 334-3833.

DATED this 11th day of August, 2000.

Lupe Wissel
Director
Idaho Commission on Aging
3380 Americana Terrace, Suite 120
P.O. Box 83720
Boise, ID 83720-0007
Telephone: (208) 334-3833
Facsimile: (208) 334-3033

IDAPA 15
TITLE 01
Chapter 01

RULES GOVERNING SENIOR SERVICES PROGRAM

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 00-1, January 5, 2000, pages 74 through 76.

This rule has been adopted as a pending rule by the Agency and is now pending review and adoption by the 2001 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 15-0101-0001

044. RESPITE.

01. Policy. Respite is a Home and Community Based Service designed to encourage and support efforts of family caregivers to maintain functionally or cognitively impaired elderly relatives at home. The family may utilize respite care to meet emergency needs, to restore or maintain the physical and mental well being of family caregivers, and provide socialization for the client. Paid respite staff and volunteers provide companionship and/or personal care services when needed and appropriate for the homebound consumer/client in the absence of the caregiver.

(11-15-99)T

02. Eligibility.

(7-1-98)

a. The client shall be homebound or have physical or cognitive impairments affecting ADL or IADL functioning to the extent twenty-four (24) hour care or supervision is required.

(11-15-99)T

b. Functionally or cognitively-impaired persons under sixty (60) years of age living in the household of a person sixty (60) years of age or older are eligible to receive Respite.

(7-1-98)

03. Service Limitations.

(11-15-99)T

a. Personal care services incidental to in-home respite care may be performed when necessary by trained paid or volunteer workers to help facilitate caregiver relief. Respite workers may provide assistance with personal care when such services are not otherwise available.

(11-15-99)T

b. Services requiring supervision of a registered nurse in accordance with the Nurse Practices Act shall not be performed by respite workers.

(11-15-99)T

c. The contractor shall provide adequate and appropriate insurance coverage prior to assigning respite employees or volunteers to assist clients with personal care tasks.

(11-15-99)T

d. Respite care volunteers shall not transport clients.

(7-1-98)

04. Eligibility Determination. A UAI assessment shall be completed by the Area Agency on Aging (AAA) case management program (where case management is offered as a service by the AAA) for respite services exceeding three (3) visits or for a plan of care that exceeds two (2) weeks. Highest priority shall be given to clients with the greatest degree of functional or cognitive impairment and then to clients lacking informal supports other than the regular caregiver.

(11-15-99)T

- 05. Volunteer and Employee Recruitment, Training, And Supervision.** (11-15-99)T
- a. Job Descriptions. All respite care programs shall have written job descriptions for employees and volunteers. (11-15-99)T
- b. Employee and Volunteer Screening. All respite care programs shall accept applications from, interview, and screen all potential respite workers prior to employment. (11-15-99)T
- c. Orientation and Training. All respite care employees and volunteers shall receive necessary orientation and training prior to placement. (11-15-99)T
- d. Respite Contractors. Respite contractors shall be available to all respite workers to discuss changes in client circumstances and service provision. (11-15-99)T
- e. The regular caregiver is responsible for providing the appropriate caregiving instructions to the respite worker. The contractor shall insure that this meeting takes place between the caregiver and respite worker prior to providing services. (11-15-99)T
- 06. Medical Emergencies.** Employees and volunteers, in performance of their respite duties, shall in the case of an emergency immediately call 911 or the available emergency medical service. (11-15-99)T
- 07. Conduct Of Volunteers And Employees.** Rules relating to conduct of ~~homemakers~~ In-Home Service Workers, as set forth in ~~Subsection 04-30-09~~, shall also apply to the conduct of respite workers. (~~11-15-99~~)T()
- 08. Client Outreach.** In coordination with Information & Assistance (I&A) and other referral sources, providers shall actively promote the program. (7-1-98)

**IDAPA 15 - OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING
15.01.01 - RULES GOVERNING SENIOR SERVICES PROGRAM
DOCKET NO. 15-0101-0002
NOTICE OF PROPOSED RULE**

AUTHORITY. In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 67-5003(3), 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 18, 2000.

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:

Section 010 - Change the definition of Case Manager to allow for a degree or equivalent.

Section 010 - Change the definition of Case Management to include disabled adults.

Section 010 - Delete the definition of Personal Care Services (PCS) and add a definition of Medicaid HCBS Services.

Section 041 - Change PCS to Medicaid HCBS services.

Subsection 041.09 - Delete this section pertaining to the conduct of homemakers and replace it with a new Section 030. Conduct of In-Home Service Workers.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.01.01.811, negotiated rulemaking was not held because these rule changes were reviewed with our six area agencies on aging directors prior to "proposing" them. Some of the changes were the result of suggestions made by area agencies.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ken Wilkes, (208) 334-3833

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 25, 2000.

DATED this 21st day of August, 2000.

Lupe Wissel
Director
Idaho Commission on Aging
3380 Americana Terrace, Suite 120
P.O. Box 83720
Boise, Idaho 83720-0007
Telephone: (208) 334-3833
Facsimile: (208) 334-3033

THE FOLLOWING IS THE TEXT OF DOCKET NO. 15-0101-0002

010. DEFINITIONS.

- 01. Act.** The Idaho Senior Services Act. Programs and services established in Idaho Code, Section 67-5001, et. seq., Idaho Code. (7-1-98)
- 02. Activities Of Daily Living (ADL).** Bathing, dressing, toileting, transferring, eating, walking. (7-1-98)
- 03. Adult Day Care.** A structured day program which provides individually planned care, supervision, social interaction, and supportive services for frail older persons in a protective group setting, and provides relief and support for caregivers. (7-1-98)
- 04. Aging Network.** The ICOA, it's AAAs and providers. (7-1-98)
- 05. Advance Directive.** A Living Will or Durable Power of Attorney for healthcare executed under the Natural Death Act, 39-4501, Idaho Code. (7-1-98)
- 06. Area Agency On Aging (AAA).** Separate organizational unit within a multipurpose agency which functions only for purposes of serving as the area agency on aging that plans, develops, and implements services for older persons within a specified geographic area. (4-5-00)
- 07. Area Plan.** Plan for aging programs and services which an AAA is required to submit to the Idaho Commission on Aging, in accordance with the OAA, in order to receive OAA funding. (7-1-98)
- 08. Case Manager.** A licensed social worker, licensed professional nurse (RN), or Certified Case Manager, or an individual with a BA or BS in a human services field or equivalent and at least one (1) year's experience in service delivery to the service population. (~~4-5-00~~)()
- 09. Case Management.** Case management is a service provided to ~~an~~ older individuals and disabled adults, at the direction of the ~~older~~ individual or a family member of the individual, to assess the needs of the ~~older~~ person and to arrange, coordinate, and monitor an optimum package of services to meet those needs. Activities of case management include: comprehensive assessment of the ~~older~~ individual; development and implementation of a service plan with the ~~older~~ individual to mobilize formal and informal resources and services; coordination and monitoring of formal and informal service delivery; and periodic reassessment. (~~4-5-00~~)()
- 10. Case Management Supervisor.** An individual who has at least a BA or BS degree and is a licensed social worker, psychologist or licensed professional nurse (registered nurse/RN) with at least two (2) years' experience in service delivery to the service population. (4-5-00)
- 11. Certified Case Manager.** One who has met the requirements for certification as established by the National Academy of Care/Case Managers or other professional association recognized by the Idaho Commission on Aging. (4-5-00)
- 12. Chore Services.** Providing assistance with normal yard work, sidewalk maintenance, heavy cleaning, or minor household maintenance to persons who have functional limitations that prohibit them from performing these tasks. (4-5-00)
- 13. Client.** Person who has met program eligibility requirements for services addressed in this chapter. (7-1-98)
- 14. Cognitive Impairment.** A disability or condition due to mental impairment. (7-1-98)

15. **Congregate Meals.** Meals that meet the requirements of the OAA, as amended, served in a group setting. (7-1-98)
16. **Department.** Department of Health and Welfare. (7-1-98)
17. **Direct Costs.** Costs incurred from the provision of direct services. These costs include, but are not limited to, salaries, fringe benefits, travel, equipment, and supplies directly involved in the provision of services. Salaries of program coordinators and first line supervisors are considered direct costs. (7-1-98)
18. **Eligible Clients.** Residents of the state of Idaho who are sixty (60) years or older and their spouses. (7-1-98)
19. **Fee For Services.** An established payment required from individuals receiving services under the Act. The fee varies according to client's current annual household income. (7-1-98)
20. **Fiscal Effectiveness.** A financial record of the cost of all formal services provided to insure that maintenance of an individual at home is more cost effective than placement of that individual in an institutional long-term care setting. (7-1-98)
21. **Formal Services.** Services provided to clients by a formally organized entity. (7-1-98)
22. **Functional Impairment.** A condition that limits an individual's ability to perform ADLs and IADLs. (7-1-98)
23. **Home-Delivered Meals.** Meals delivered to eligible clients in private homes. These meals shall meet the requirements of the OAA. (7-1-98)
24. **Homemaker.** A person who has successfully completed a basic prescribed training, who, with additional supervision, provides homemaker services. (7-1-98)
25. **Homemaker Service.** Assistance with housekeeping, meal planning and preparation, essential shopping and personal errands, banking and bill paying, medication management, and, with restrictions, bathing and washing hair. (7-1-98)
26. **Household.** For sliding fee purposes, a "household" includes a client and any other person(s) permanently resident in the same dwelling who share accommodations and expenses with the client. (7-1-98)
27. **Idaho Commission On Aging (ICOA).** Commission designated by the Governor to plan, set priorities, coordinate, develop policy, and evaluate state activities relative to the objectives of the OAA. (7-1-98)
28. **Informal Supports.** Those supports provided by church, family, friends, and neighbors, usually at no cost to the client. (7-1-98)
29. **Instrumental Activities Of Daily Living (IADL).** Meal preparation, money management, transportation, shopping, using the telephone, medication management, heavy housework, light housework. (7-1-98)
30. **Legal Representative.** A person who carries a Durable Power of Attorney or who is appointed Guardian or Conservator with legal authority to speak for a client. (7-1-98)
31. **Medicaid HCBS.** Services approved under the Medicaid Waiver for the aged and disabled. ()
- ~~32.~~ **National Aging Program Information System.** (NAPIS) Standardized Nationwide reporting system that tracks: (7-1-98)
- a. Service levels by individual service, identifies client characteristics, State and AAA staffing profiles, and identifies major program accomplishments; and (4-5-00)

b. Complaints received against long term care facilities and family members or complaints related to rights, benefits and entitlements. (7-1-98)

323. Non-Institutional. Living arrangements which do not provide medical oversight or organized supervision of residents' activities of daily living. Non-institutional residences include congregate housing units, board and room facilities, private residential houses, apartments, condominiums, duplexes and multiplexes, hotel/motel rooms, and group homes in which residents are typically unrelated to individuals. Non-institutional does not include skilled nursing homes, residential care facilities, homes providing adult foster care, hospitals, or residential schools/hospitals for the severely developmentally disabled or the chronically mentally ill. (7-1-98)

334. Older Americans Act (OAA). Federal law which authorizes funding to states to provide supportive and nutrition services for the elderly. (7-1-98)

345. Ombudsman. An individual or program providing a mechanism to receive, investigate, and resolve complaints made by, or on behalf of, residents of long-term care facilities, or persons aged sixty (60) and older living in the community. (7-1-98)

356. Performance-Based Agreements. A written agreement between the ICOA and AAAs which establishes statements of work for services to be performed by the AAA, including output and outcome projections, program review and process for contract termination. (4-5-00)

~~**36. Personal Care Services (PCS).** Services which include personal and medically-oriented procedures required to meet the physical needs of a patient convalescing at home or to provide for a long-term care client's on-going maintenance/support, in accordance with Section 39-5602 (f), Idaho Code. (7-1-98)~~

37. Program. The Idaho Senior Services Program. (7-1-98)

38. Planning And Service Area (PSA). Substate geographical area designated by the ICOA for which an AAA is responsible. (4-5-00)

39. Provider. An AAA that provides services directly or another entity under contract with the AAA to provide a specific service(s). (7-1-98)

40. Respite. Short-term, intermittent relief provided to caregivers (individuals or families) of a functionally-impaired relative or custodial charge. (4-5-00)

41. Shopping Assistance. Accompaniment and provision of assistance to an elderly individual for the purpose of purchasing food, medicine and other necessities for an elderly individual who is disabled or homebound. (7-1-98)

42. Sliding Fee Scale. A fee scale ranging from zero percent (0%) to one hundred percent (100%) of the cost of services. Cost of services shall be based on the contractor's or provider's actual unit costs. A client's percentage (payment) shall be determined by ranking the client's annual household income against the federally determined poverty guidelines for that year. (3-19-99)

43. Supportive Service Plan (SSP). An individual support plan outlining an array of services or the components of an individual service required to maintain a client at home. For Adult Protection purposes the SSP shall address the available remedial, social, legal, medical, educational, mental health, or other services available to reduce risks and meet the care needs of a vulnerable adult. (7-1-98)

44. Supportive Services Technician. AAA employee working under the supervision of a licensed social worker or case manager assisting with investigation of Adult Protection reports or development and initiation of a SSP. Tasks are limited to: (4-5-00)

a. Re-assessment of clients initially assessed by a case manager; (4-5-00)

- b. Coordination of start-up services using the SSP developed by a case manager; (4-5-00)
- c. Follow-up calls to determine care plan progress and minor plan adjustments; (4-5-00)
- d. Clerical work in support of case management and adult protection activities; and (4-5-00)
- e. Receiving emergency Adult Protection calls for referral to the appropriate legal or other entity. (4-5-00)
- f. Follow-up investigative responsibility must remain with the Adult Protection Worker. (4-5-00)
- g. The employee shall have a college degree or a high school diploma and at least two (2) years' experience working with elderly or at-risk populations. (4-5-00)

45. Transportation Services. Services designed to transport eligible clients to and from community facilities/resources for the purposes of applying for and receiving services, reducing isolation, or otherwise promoting independence. (7-1-98)

46. Uniform Assessment Instrument (UAI). A comprehensive assessment instrument utilizing uniform criteria. The ICOA mandates use of a UAI in determining an applicant's need for care and services. (7-1-98)

(BREAK IN CONTINUITY OF SECTIONS)

030. CONDUCT OF IN-HOME SERVICE WORKERS.

Contractors shall insure, through personnel policies, orientation procedures, signed In-Home Service Workers' agreements, and supervision, that the In-Home Service Worker's conduct is governed by the following restrictions. A copy of these restrictions, signed by the In-Home Service Worker, shall be placed in each In-Home Service Worker's personnel file. ()

01. Accepting Money Or Loans. In-Home Service Workers shall not accept money or a loan, in any form, from a client. ()

02. Sale Of Goods. In-Home Service Workers shall not solicit the purchase of goods, materials or services. ()

03. Addresses And Telephone Numbers. In-Home Service Workers shall not provide a personal telephone number or home address to clients. ()

04. Private Work. In-Home Service Workers shall not work privately for a client of homemaker services. ()

05. Client's Residence. In-Home Service Workers shall not enter a client's residence in the absence of the client unless the client has given permission to enter to accomplish scheduled work and the permission is documented in the client file. ()

06. Proselytizing. In-Home Service Workers shall not engage in religious proselytizing during the course of employment. ()

07. Medication Administration. In-Home Service Workers shall not administer medications. The homemaker may remind a client to take medications, assist with removing the cap from a multi-dose or bubble pack container, and may observe the client taking medications. ()

08. Confidentiality. In-Home Service Workers shall regard all client communications and information about clients' circumstances as confidential. ()

09. Smoking. In-Home Service Workers shall not smoke in the home of a client. ()

0301. -- 039. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

041. HOMEMAKER.

01. Policy. Homemaker service is designed to provide assistance required to compensate for functional or cognitive limitations. Homemaker services provide assistance to eligible individuals in their own homes, or, based on an adult protection referral, in a caregivers home; to restore, enhance, or maintain their capabilities for self-care and independent living. Available family shall be involved in developing a supportive services plan for the client to ensure the formal services provided shall enhance any available informal supports provided. A client or legal representative shall have the right to accept or refuse services at any time. Homemaker providers shall reserve funds to support the expenditure of up to a maximum of ten percent (10%) of their annual Act funding to support emergency service requests and response to adult protection referrals. (7-1-98)

02. Service Eligibility. Individuals are eligible for homemaker services if they meet any of the following requirements: (7-1-98)

a. They have been assessed to have ADL deficits, IADL deficits, or both, which prohibit their ability to maintain a clean and safe home environment. (7-1-98)

b. Clients over age sixty (60), who have been assessed to need homemaker service, may be living in the household of a family member (of any age) who is the primary caregiver. (7-1-98)

c. They are Adult Protection referrals for whom homemaker service is being requested as a component of a SSP to remediate or resolve an adult protection complaint. (7-1-98)

d. Vulnerable adults under age sixty (60), who have been assessed to need homemaker service are eligible to receive the service a maximum of three (3) consecutive months within a program year. (7-1-98)

e. They are home health service clients who may be eligible for emergency homemaker service. (7-1-98)

03. PCS Medicaid HCBS. When clients are determined by the Department to be eligible for ~~PCS~~ Medicaid HCBS, they are no longer eligible for homemaker services unless the services are determined to be needed on an interim, emergency basis until ~~PCS~~ Medicaid HCBS is initiated. Interim emergency services shall not exceed two (2) months' duration. (~~4-5-00~~)()

04. Purpose Of Service. (7-1-98)

a. Maintain Independence and Dignity. To secure and maintain in a home environment the independence and dignity of clients who are capable of self-care with appropriate supportive services. (7-1-98)

b. Prevent Institutionalization. To avoid or delay placement into long-term care institutions. (7-1-98)

c. Remedy Harmful Living Arrangements. To promote the health and safety of the client. (7-1-98)

d. Crisis Intervention. To assist the client through a crisis situation, if the homemaker service(s) required meet the client's needs and can be provided within the guidelines set forth in these rules. (7-1-98)

05. Exclusions. (7-1-98)

- a. Meal Preparation. Homemakers shall not prepare meals for a client if home-delivered meals are available. (7-1-98)
- b. Transportation. Homemakers shall not transport a client unless the provider carries liability insurance. (7-1-98)
- c. Medical Judgments. Homemakers shall not make medical judgments nor any determinations regarding the application of advance directives. (7-1-98)
- d. Bathing and Washing Hair. Contractors shall obtain adequate and appropriate insurance coverage prior to assigning homemakers to assist clients with bathing and (or) washing hair. (3-19-99)

06. Service Priority. Once approved, clients shall be prioritized to receive homemaker services based on their needs, as determined through the completion of the UAI as follows: (7-1-98)

- a. Highest priority shall be given to clients with the greatest degree of functional or cognitive impairment; then (7-1-98)
- b. To clients lacking informal supports; then (7-1-98)
- c. To clients whose homes are in poor condition with respect to those circumstances which the homemaker service can remedy. (7-1-98)

07. Homemaker Training And Supervision. All homemakers shall receive an employee orientation from the provider before performing homemaker services. Orientation shall include the purpose and philosophy of homemaker services, review of homemaking skills, program regulations, policies and procedures, proper conduct in relating to clients, and handling of confidential and emergency situations involving a client. (7-1-98)

- a. CPR. Homemakers shall complete CPR training within three (3) months of hire and shall maintain certification thereafter. (7-1-98)
- b. In-Service Training. Providers shall annually provide homemakers with a minimum of ten (10) hours training, including CPR, for the purpose of upgrading their skills and knowledge. (7-1-98)
- c. Providers shall assure that homemakers who assist clients with bathing or hair washing receive specific training in performing these services prior to being assigned to a client. (7-1-98)
- d. Homemaker Supervision. All providers shall maintain written job descriptions for homemakers and shall have written personnel policies. All homemakers shall receive an annual performance evaluation. Homemaker supervisors shall be available to homemakers during work hours to discuss changes in client's circumstances, to resolve problems with schedules, or to respond to emergencies. (7-1-98)

08. Medical Emergencies. In case of medical emergency, the homemaker shall immediately call 911 or the available local emergency medical service and, if appropriate, shall initiate CPR. (7-1-98)

~~**09. Conduct Of Homemakers.** Contractors shall insure, through personnel policies, orientation procedures, signed homemaker agreements, and supervision, that homemaker conduct is governed by the following restrictions. A copy of these restrictions, signed by the homemaker, shall be placed in each homemaker's personnel file. (7-1-98)~~

- ~~a. Accepting Money or Loans. A homemaker shall not accept money or a loan, in any form, from a client. (7-1-98)~~
- ~~b. Sale of Goods. A homemaker shall not solicit the purchase of goods, materials, or services. (7-1-98)~~

~~e. *Addresses and Telephone Numbers. A homemaker shall not provide a personal telephone number or home address to clients.* (7-1-98)~~

~~d. *Private Work. A homemaker shall not work privately for a client of homemaker services.* (7-1-98)~~

~~e. *Client's Residence. A homemaker shall not enter a client's residence in the absence of the client unless the client has given permission to enter to accomplish scheduled work and the permission is documented in the client file.* (7-1-98)~~

~~f. *Proselytizing. A homemaker shall not engage in religious proselytizing during the course of employment.* (7-1-98)~~

~~g. *Medication Administration. A homemaker shall not administer medications. The homemaker may remind a client to take medications, assist with removing the cap from a multi-dose or bubble pack container, and may observe the client taking medications.* (7-1-98)~~

~~h. *Confidentiality. A homemaker shall regard all client communications and information about clients' circumstances as confidential.* (7-1-98)~~

~~i. *Smoking. A homemaker shall not smoke in the home of a client.* (7-1-98)~~

~~**402. Intake And Assessment.** (7-1-98)~~

a. Normal Intake. Client contact shall be initiated within five (5) days of receipt of the referral, and an assessment shall be conducted within two (2) weeks of referral. (7-1-98)

b. Emergency Intake. Referrals indicating a crisis or potential crisis such as a marked decline in health or functional status, hospital discharge, or adult protection referral require a home visit be conducted to assess service need within one (1) working day of receipt of referral. If appropriate and available, a homemaker shall be assigned and service shall be initiated immediately. Such emergency homemaker service shall not exceed two (2) weeks' duration. Referrals assessed to need emergency service shall take precedence over applicants carried on a waiting list. (7-1-98)

c. Client Assessment. To determine the level of need and the type of service needed, the provider shall conduct an in-home assessment using the ICOA UAI. Service alternatives shall be discussed and referrals initiated as appropriate. (7-1-98)

d. Assessment Coordination. A client need not be re-assessed if an assessment completed within the past ninety (90) days by another human services agency provides the same information as the ICOA's UAI and the client signs a Release of Information form. A client assessment shall be completed if no current assessment from another agency is available. In either case, a home visit shall be included in the process of developing the client's individual SSP. (7-1-98)

~~**140. Individual Supportive Service Plan (SSP).** A supportive service plan shall be signed by the client or legal representative prior to initiation of service. (7-1-98)~~

~~a. An approved plan shall reflect needed services to be provided by available family or others. (7-1-98)~~

~~b. Revision of the SSP. After services have been in place for one (1) month, the homemaker shall inform the supervisor of any modifications needed in the SSP, such as changes in hours of service or tasks to be performed. (7-1-98)~~

~~c. Reassessments of SSP. The SSP shall be updated at least annually. Any revisions to an SSP shall be initiated by the client prior to being put into effect. An SSP may be updated more often than annually if changes in a client's circumstances (i.e., functional or cognitive ability, living conditions, availability of supports) indicate a necessity for re-assessment. (7-1-98)~~

**IDAPA 15 - OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING**

15.01.02 - RULES GOVERNING AREA AGENCY ADULT PROTECTION PROGRAMS

DOCKET NO. 15-0102-0001

NOTICE OF PROPOSED RULE

AUTHORITY. In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 67-5003(3), 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 18, 2000.

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 following new definition is being added to Section 010: Serious Physical Injury - Includes, but is not limited to, skin bruising, burns, bone fractures, lacerations, scratches, subdural hematoma, soft tissue swelling, or internal injuries.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.01.01.811, negotiated rulemaking was not held because these rule changes were reviewed with our Adult Protection Supervisors prior to "proposing" them. Some of the changes were the result of suggestions made by area agencies.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Omar Valverde, (208) 334-3833.

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 25, 2000.

DATED this 21st day of August, 2000.

Lupe Wissel
Director
Idaho Commission on Aging
3380 Americana Terrace, Suite 120
P.O. Box 83720
Boise, Idaho 83720-0007
Telephone: (208) 334-3833
Facsimile: (208) 334-3033

THE FOLLOWING IS THE TEXT OF DOCKET NO. 15-0102-0001

010. DEFINITIONS.

Any item not specifically defined below shall have the same meaning as those defined in Idaho Code or IDAPA

15.01.01, "Rules Governing Idaho Senior Services Program". (7-1-98)

01. Adult Protection (AP). Statutory protections safeguarding vulnerable adults through investigations of reports alleging abuse, neglect, self-neglect or exploitation, and arrangements for the provision of emergency or supportive services necessary to reduce or eliminate risk of harm. (7-1-98)

02. Adult Protection Supervisor. AAA employee responsible for overseeing the provision of AP services. The Supervisor's duties include the direct supervision of AP staff, case assignments, the monitoring of case loads and documentation, and the maintenance of cooperative relationships with other agencies, organizations or groups serving vulnerable "at risk" populations. The employee shall be a social worker licensed to practice in Idaho. (7-1-98)

03. Adult Protection Worker. AAA employee providing AP services. The Worker's duties include the investigation of AP reports, client risk assessment and the development of plans for supportive services and/or law enforcement referral. The employee shall be a social worker licensed to practice in Idaho. (7-1-98)

04. Injury Or Serious Imposition Of Rights. A situation of substantiated abuse, neglect, or exploitation. (7-1-98)

05. Serious Physical Injury. Includes, but is not limited to: ()

a. Skin bruising: ()

b. Burns: ()

c. Bone fractures: ()

d. Lacerations: ()

e. Scratches: ()

f. Subdural hematoma: ()

g. Soft tissue swelling; or ()

h. Internal injuries. ()

**IDAPA 15 - OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING**

15.01.02 - RULES GOVERNING AREA AGENCY ADULT PROTECTION PROGRAMS

DOCKET NO. 15-0102-9902

NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 67-5003(3), 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 18, 2000.

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:

With the following exception, the proposed rule is being published as it was adopted as a temporary rule. The following additional investigative requirement will be added at Subsection 031.01.c.: In cases involving resident to resident contact reported pursuant to Section 39-5303(A), Idaho Code, determine whether the case involves the sexual abuse, death, or serious physical injury jeopardizing the life, health or safety of a vulnerable adult; or involves repeated physical or verbal altercations between residents, not resulting in observable physical or mental injury, but constituting an ongoing pattern of resident behavior that a facility's staff are unable to remedy through reasonable efforts.

In September 1999, the Idaho Commission on Aging adopted this rule as a temporary rule with an effective date of July 1, 1999. The temporary rule was published in the Idaho Administrative Bulletin, Volume 99-9, September 1, 1999, pages 45 and 46. With this publication the Idaho Commission on Aging is initiating proposed rulemaking.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.01.01.811, negotiated rulemaking was not held because these rule changes were reviewed with our six area agencies on aging directors and Adult Protection Supervisors prior to "proposing" them. Some of the changes were the result of suggestions made by area agencies.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Omar Valverde, (208) 334-3833.

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 25, 2000.

DATED this 21st day of August, 2000.

Lupe Wissel
Director
Idaho Commission on Aging
3380 Americana Terrace, Suite 120
P.O. Box 83720
Boise, Idaho 83720-0007
Telephone: (208) 334-3833
Telephone: (208) 334-3033

Pursuant to Section 67-5221(1) this docket is being published as a Proposed Rule.

This docket has been previously published as a Temporary Rule.
The temporary effective date is July 1, 1999.

There are substantive changes from the temporary rule text.

The original temporary text was published in the Idaho Administrative Bulletin,
Volume 99-9, September 1, 1999, pages 45 and 46.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 15-0102-9902

031. INVESTIGATIVE REQUIREMENTS.

01. Review Of Allegations. Upon receipt of a report of abuse, neglect or exploitation the AAA shall conduct a review of the allegations of such report to determine whether: (7-1-99)F()

a. The report was required to be made to ICOA or its contractors pursuant to Section 39-5303, Idaho Code; (7-1-99)F()

b. An emergency exists; and (7-1-99)F()

c. In cases involving resident-to-resident contact reported pursuant to Section 39-5303(A), Idaho Code, determine whether the case involves the sexual abuse, death, or serious physical injury jeopardizing the life, health, or safety of a vulnerable adult, or involves repeated physical or verbal altercations between residents, not resulting in observable physical or mental injury, but constituting an ongoing pattern of resident behavior that a facility's staff are unable to remedy through reasonable efforts. ()

02. Need For Investigation. If, based on its review, the AAA determines that the report was not required by Section 39-5303, Idaho Code, no further investigation need be conducted on such report. (7-1-99)F()

03. Vulnerability Determination. Upon investigating an AP report, each ~~area agency~~ AAA shall determine whether an alleged victim is vulnerable as defined in Section 39-5302, Idaho Code. If the alleged victim is not vulnerable as defined in Section 39-5302, Idaho Code, AP may refer the complaint to the Ombudsman, Law Enforcement or other appropriate entity for investigation and resolution. (7-1-99)F()

04. Assessment Of Alleged Victim. An alleged victim's vulnerability and associated risk factors shall be determined through the administration of the UAI or other standardized supplemental forms. Initial interviews and assessments of an alleged victim shall be conducted by an AP worker. (7-1-98)

05. Investigative Findings. AP shall make one (1) of two (2) investigative findings upon completion of an AP investigation: (7-1-98)

a. Substantiated. AP determines that a report is valid based on sufficient evidence. (7-1-98)

b. Unsubstantiated. AP determines that a complaint is invalid due to insufficient supporting evidence. This finding requires AP to close the case. (7-1-98)

i. If an allegation is unsubstantiated, but the vulnerable adult has unmet service needs, AP shall initiate appropriate referrals with consent of the vulnerable adult or his legal representative. (7-1-98)

ii. A case shall be closed if AP determines that an allegation has been made in bad faith or for a malicious purpose. (7-1-98)

iii. A case shall be closed if AP determines that an alleged victim is not a vulnerable adult. (7-1-98)

046. Caretaker Neglect. In investigating a report of caretaker neglect, AP shall take into account any deterioration of the mental or physical health of the caregiver resulting from the pressures associated with care giving responsibilities that may have contributed to the neglect of the vulnerable adult. In such cases, AP shall make every effort to assist the primary caregiver in accessing program services necessary to reduce the risk to the vulnerable adult. In AP cases in which family members are experiencing difficulties in providing twenty-four (24) hour care for a functionally impaired relative, AP shall make appropriate referrals to available community services to provide needed assistance. (7-1-98)

057. Referral To Law Enforcement. A substantiated report of abuse, neglect or exploitation is presumed to have caused a serious imposition of rights or injury to the alleged victim and shall be immediately referred to law enforcement pursuant to Section 39-5310, Idaho Code. (7-1-98)

068. Adult Protection And Ombudsman Coordination. ~~Area agencies~~ AAAs shall ensure that AP staff and the substate ombudsman maintain a written agreement establishing cooperative protocols in the investigation of complaints. (~~7-1-99~~)F()

079. Confidentiality. All records relating to a vulnerable adult and held by an ~~area agency~~ AAA are confidential and shall only be divulged as permitted pursuant to Sections 39-5307, 39-5304(5), 39-5308, Idaho Code, and IDAPA 15.01.01, Section 028, "Rules Governing Senior Services Program". (~~7-1-99~~)F()

**IDAPA 15 - OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING
15.01.20 - RULES GOVERNING AREA AGENCY ON AGING (AAA) OPERATIONS
DOCKET NO. 15-0120-0001
NOTICE OF PROPOSED RULE**

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 67-5003(3), 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 18, 2000.

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:

Section 052. Change the due date for area plans and plan amendments from May 15 to October 15.
Section 068. Eliminate 068.02, "State Funds Cost Sharing". This is already covered in 15.01.01.026.06.

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.01.01.811, negotiated rulemaking was not held because these rule changes were reviewed with our six area agencies on aging directors prior to "proposing" them. Some of the changes were the result of suggestions made by area agencies.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ken Wilkes, (208) 334-3833.

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 25, 2000.

DATED this 21st day of August, 2000.

Lupe Wissel
Director
Idaho Commission on Aging
3380 Americana Terrace, Suite 120
P.O. Box 83720
Boise, Idaho 83720-0007
Telephone: (208) 334-3833
Facsimile: (208) 334-3033

THE FOLLOWING IS THE TEXT OF DOCKET NO. 15-0120-0001

052. AREA PLANS.

Each AAA shall submit a four (4) year area plan to the ICOA by close of business ~~May~~ October 15, 1998, and by ~~May~~

~~October~~ 15 every four (4) years thereafter. Annual updates shall be submitted by ~~May~~ October 15 of each year. The area plan and annual updates shall be submitted in a uniform format prescribed by the ICOA to meet the requirements of the OAA and all pertinent federal regulations. (4-5-00)(____)

(BREAK IN CONTINUITY OF SECTIONS)

068. COLLECTION AND ACCOUNTABILITY OF PARTICIPANT CONTRIBUTIONS.

01. Participant Contribution Confidentiality. All participants shall be given the opportunity to contribute to programs operated with Administration on Aging funds. The method of collection shall respect the privacy of the participant, and provide for confidentiality of the fact and amount of the contribution. (7-1-98)

~~**02. State Funds Cost Sharing.** State-funded Care Coordination, Chore, Homemaker, and Respite Services identified in IDAPA 15.01.01, Subsection 026.06, "Rules Governing Idaho Senior Services Program," shall be provided on a cost-sharing basis, with a sliding fee scale. (7-1-99)~~

032. Payment For Service. Persons under the age of sixty (60), who are not spouses of eligible participants, shall pay the full cost of meals, as published by the meal provider. No eligible person shall be denied services because of inability to pay. (7-1-98)

043. Used To Support Service. Service contributions shall be used to support the service from which they were generated. (7-1-98)

054. Security For Cash Collections. The service provider collecting funds shall provide for security of cash collected by having two (2) people involved in the collection and counting process. (7-1-98)

IDAPA 15 - OFFICE OF THE GOVERNOR
DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION
15.04.01 - RULES OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION
DOCKET NO. 15-0401-0001
NOTICE OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 67-5309, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, October 17, 2000, 9:00 a.m.
Offices of the Division of Human Resources
700 W. State Street, Boise, Idaho.

The hearing site 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:

Modifications to the rules to bring them into compliance with statute and to make them more streamlined and understandable; addition of definitions of Earned Administrative Leave and Involuntary Transfer; clarification of veterans preference; addition of voluntary probation period for certain transfers and reinstatements; clarification of use of Medical or Optical Appointment leave and leave for use of the Employee Assistance Program; clarification and change in deadlines for the problem-solving procedure; and modifications to enhance consistency of performance evaluation system.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, informal negotiated rulemaking was conducted. Input was solicited through electronic mail, as well as meetings with state human resources personnel.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Daniel Steckel at 334-3596.

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 25, 2000.

DATED this 22nd day of August, 2000.

Ann Heilman
Administrator
Division of Human Resources
700 West State Street
P.O. Box 83720
Boise, ID 83720-0066
(208)334-3345
(208)334-3182 (fax)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 15-0401-0001

IDAPA 15
TITLE 04
Chapter 01

15.04.01 - RULES OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION

000. LEGAL AUTHORITY.

The rules of the Division of Human Resources and Idaho Personnel Commission are adopted pursuant to Section 67-5309, Idaho Code. The Division of Human Resources and Idaho Personnel Commission shall perform such duties and exercise such authority as has been or may be conferred upon them by law. The Division shall determine the policies of the Idaho Personnel System and make such rules as are necessary for the administration of the Personnel System. The administrator of the Division shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor pursuant to Section 67-5308(2), Idaho Code. (7-1-93)()

001. ~~002.~~ (RESERVED) TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 15.04.01, "Rules of the Division of Human Resources and Personnel Commission". ()

02. Scope. These rules establish the policies and procedures of the Idaho Personnel System. ()

002. WRITTEN INTERPRETATIONS.

As described in Section 67-5201(19)(b)(iv), Idaho Code, the Division of Human Resources may have written statements which pertain to the interpretation of these rules. If available, such written statements can be inspected and copied at cost at the Division of Human Resources, 700 West State Street, Boise, Idaho 83720-0066. ()

(BREAK IN CONTINUITY OF SECTIONS)

004. ADDRESS AND PHONE NUMBERS OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION.

The offices of the Division of Human Resources and Personnel Commission are located at 700 West State Street, Boise, Idaho 83720-2700. The phone number of the ~~Division~~ Commission and the Division of Human Resources is (208) 334-2263. Additional phone numbers are: a job announcement recording at (208) 334-2568; a toll-free number, 1-800-554-JOBS (5627); a toll-free TDD or telecommunications device for the deaf, 1-800-542-5738. The Division's and Commission's FAX number is (208) 334-3182. (7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

006. WAIVER OF RULES.

The administrator reserves the right to waive any rule in specific instances when, in his/her opinion, such waivers are legal, warranted and justified in the interests of a more effective and responsive system of personnel administration. (7-1-87)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

Each of the terms defined in these rules shall have the meaning given herein unless a different meaning is clearly required by the context. Additional definitions are contained in Section 67-5302, Idaho Code. (7-1-87)

- 01. Allocation.** The assignment of a class to a pay grade in the compensation schedule. (8-1-81)
- 02. Appeal.** Any written request for relief from dismissal, demotion, suspension, or other adverse action filed with the Personnel Commission by an employee, appointing authority, or applicant. The meaning of appeal includes application, petition, or protest. (4-5-85)
- 03. Appellant.** An employee, appointing authority, or applicant filing an appeal or a petition for review with the Personnel Commission. (7-1-87)
- 04. Appointment, Limited.** The appointment of a person to a classified, non-career position for which the person has qualified by examination. (4-5-85)
- 05. Appointment, Nonclassified.** The appointment of a person to a position exempt from the application of these rules by the provisions of Section 67-5303, Idaho Code. (7-1-87)
- 06. Appointment, Original Or Initial.** The first appointment of a person to any classified position in state service. (4-5-85)
- 07. Appointment, Permanent.** The appointment of a person to a classified position who has been certified by the appointing authority to have successfully completed the required probationary period and whose employment is permanent, subject to removal or discipline only under the provisions of Chapter 53, Title 67, Idaho Code, and the rules of the Division of Human Resources and Personnel Commission. (7-1-87)
- 08. Appointment, Probationary.** The appointment of a person to a classified position for which the person has qualified by examination but is serving a work trial period as a condition for certification to permanent appointment. (4-5-85)
- 09. Appointment, Project Exempt.** The appointment of a person to a nonclassified position established under federal grants, which by law restricts employment eligibility to specific individuals or groups on the basis of non-merit selection requirements. (7-1-87)
- 10. Appointment, Provisional.** The appointment of a person to a position in classified service for which the person has not qualified by examination pending the establishment of a register for the class of such position. (4-5-85)
- 11. Appointment, Temporary.** The appointment of a person to a nonclassified position which is not permanent in nature, and in which hours worked will not exceed one thousand three hundred eighty-five (1,385) during any twelve (12) month period for any one (1) department. (7-1-87)
- 12. Certifiable Range.** An examination score and a rank on an eligibility register sufficiently high to be among the top ~~five ten~~ (510) available names, plus names of all individuals with scores identical to the ~~fifth tenth~~ ranking eligible, for certification to fill a position in the class for which the register was established. (~~4-5-85~~)()
- 13. Class Specification.** A written statement of the purpose and responsibilities characteristic of a class, which includes the title, principal accountabilities, and minimum qualifications of education, training and experience, abilities, knowledge, skill, and other qualifications required to perform the work of the class. (7-1-87)
- 14. Classification Schedule.** All class specifications utilized in classified service listed by title, class code, and pay grade to which allocated. (4-5-85)
- 15. Classified Service.** That body of positions in state departments subject to Chapter 53, Title 67, Idaho Code, as defined therein and excludes temporary, project exempt, and nonclassified appointments. (7-1-87)

- 16. Compensation Plan.** The overall system of salary administration for classified service including Sections 67-5309B and 67-5309C, Idaho Code; the classification and compensation schedules; Division of Human Resources and Personnel Commission rules and policies; and departmental policies governing employee pay. (7-1-87)
- 17. Compensation Schedule.** The pay grades established by Section 67-5309C, Idaho Code, and associated rates of pay established in Subsection 070.06. (7-1-94)
- 18. Consultant.** An independent contractor who provides professional or technical advice, counsel, or service on a set fee basis. (Ref. Subsection 010.30). (7-1-87)
- 19. Demotion.** The reduction of an employee from a position which the employee occupies in one (1) class to a position in another class with a lower entrance salary. Demotion does not include returning an employee to a class in which the employee has permanent status for failure to complete the promotional probationary period. (Ref. Subsection 150.04) (7-1-87)
- 20. Departmental Class.** A class of positions that is unique to a department. (7-1-87)
- 21. Dismissal.** The separation of an employee from classified service with cause assigned by the appointing authority pursuant to Section 190. (7-1-87)
- 22. Earned Administrative Leave (EAL).** Paid leave for hours worked which exceed the regularly scheduled hours but do not result in overtime. These hours may accrue after hours worked and hours on paid leave exceed forty (40) hours in one (1) workweek. In the case of those employees engaged in law enforcement, correctional, and firefighting activities characterized by irregular shift work schedules, EAL hours may accrue after hours worked and hours on paid leave exceed one hundred and sixty (160) hours in a period of twenty-eight (28) consecutive days. ()
- 223. Employee.** Any person in the employ of a state department who is paid a salary or wages. (4-5-85)
- 234. Employment History.** The information available to the public without the employee's consent in accordance with ~~Idaho Code~~ Section 9-340(C), Idaho Code, for every agency for which a current or former public official works, including the official reason(s) for separation from employment but not including accrued leave balances or usage. (~~12-10-90~~)()
- 245. Examination.** The application of written tests, oral interviews, performance tests, investigation, physical evaluation, evaluation of education and experience, or any other measure of job-related knowledge and ability, including performance in probationary periods. (4-5-85)
- 256. Factoring.** The assignment of Hay evaluation points to a classification in accordance with Section 67-5309B, Idaho Code, and Section 074. (~~7-1-87~~)()
- 267. General Class.** A class of positions that is common to more than one participating department. (7-1-87)
- 278. Good Cause.** The conduct of a reasonable person in the same or similar circumstances. (7-1-87)
- 289. Hours Worked:** (7-1-87)
- a. Those hours actually spent in the performance of the employee's job, excluding holidays, vacation, sick leave or other approved leaves of absence, and excluding on-call time; (Ref. Subsection 010.40) (~~7-1-87~~)
- b. All travel time actually performed by an employee when authorized by the appointing authority or designee; Travel time shall be compensated pursuant to policy set forth by the Board of Examiners. (~~5-15-85~~)()
- c. Attendance at lectures, meetings, training programs and similar activities outside of the employee's regular working hours when attendance has been directed by the appointing authority or designee. (5-15-85)

- ~~2930.~~ **Incumbent.** Any person holding a classified or non-classified position in state service. (7-1-87)
- 301. Independent Contractor.** Any person, firm, or corporation meeting the ~~Social Security Administration's~~ Internal Revenue Service's test for an independent contractor or a self-employed person. (Ref. Subsection 010.18) ~~(7-1-87)()~~
- ~~312.~~ **Interested Person.** A person or department directly affected by a rule, statute or department action or inaction. (6-30-78)
- 323. Intoxication.** Being under the influence of alcohol, or misuse of medication or controlled substances. (Ref. Subsection 190.01.f.) ~~(7-10-88)()~~
- 34. Involuntary Transfer.** A significant change in work location, shift and/or organizational unit made as a result of a management decision as opposed to an employee's request for or agreement to transfer. ()
- 335. Layoff.** An involuntary reduction in hours of work or separation of an incumbent in the classified service either by reduction in force due to shortage of work or funds, or abolishment of positions. (4-5-85)
- 346. Leave Of Absence With Pay.** A period of absence from duty with the approval of the appointing authority, or as required or allowed by law or these rules, during which time the employee shall be compensated. Leaves of absence with pay have no adverse effect on the status ~~and credited state service~~ of the employee and include the following leaves: vacation leave, sick leave, special leave situations, and compensatory time off for overtime worked. ~~(7-1-87)()~~
- 357. Leave Of Absence Without Pay.** A period of absence from duty with the approval of the appointing authority, or as required or allowed by law or these rules, during which time the employee shall not be compensated. (7-1-87)
- 368. Merit Increase.** The advancement of an employee's compensation in accordance with Section 67-5309C(b), Idaho Code. (7-1-87)
- 379. Minimum Qualification Specialty.** A minimum qualification required for one (1) or more positions in a class that is in addition to the other minimum qualifications required for all positions in the class. (7-1-93)
- ~~3840.~~ **New Class.** A classification that is not essentially described by any existing job classification. (7-1-94)
- ~~3941.~~ **Occasional Or Sporadic Work.** Work that is voluntarily performed by an employee in a different capacity from the employee's regular work and is infrequent, irregular or occurring in scattered instances. (7-1-87)
- ~~402.~~ **On-Call Time.** Time when an employee is required to ~~wear~~ carry a pager, cellular phone, or to leave word at home or with the department where the employee may be reached if needed to work, and the employee can use the time effectively for personal purposes. ~~(6-11-89)()~~
- ~~413.~~ **Overtime.** Those hours defined as such in Section 67-5302(19), Idaho Code, excluding any time, such as traded time and occasional or sporadic work, that is specifically excluded from the overtime calculation by federal law. (7-1-87)
- 424. Pay Line Exception.** A temporary ~~allocation~~ assignment of pay grade, pursuant to Section 67-5309C(b)(i), Idaho Code, in excess of the pay grade allocated pursuant to Section 67-5309B(a), Idaho Code, as approved by the administrator. ~~(6-18-95)()~~
- ~~435.~~ **Position, Classified.** A position subject to Chapter 53, Title 67, Idaho Code, and these rules in which one (1) person is hired as a full-time or part-time employee; or in which two (2) or more persons share in the aggregate of the position. (7-1-87)

446. Promotion. The advancement through the competitive process of an employee with permanent status from a position which he or she occupies in one (1) class to a position in another class having a higher entrance salary. (4-5-85)

457. Rating. The number of Hay evaluation points assigned to a classification in accordance with Subsection 074. (7-1-87)

~~**46. Reallocation.** A change of a class from the pay grade to which it is allocated in the compensation schedule to another pay grade of either higher or lower entrance salary. (11-1-75)~~

478. Reasonable Accommodation. An *logical* adjustment made to a job and/or work environment that enables a qualified ~~handicapped employee~~ individual with a disability to perform the essential functions of the position and would not cause undue hardship on the operation of the department. (Ref. Subsection 190.01.c.) (7-1-87)

489. Reclassification Of A Position. A change of a position from the class to which it is assigned to another class. *Reclassification of an employee means a change in the classification assigned to the employee to properly reflect the duties and responsibilities assigned to that employee by an appointing authority.* (4-5-85)()

50. Reclassification Of An Employee. Means a change in the classification assigned to the employee to properly reflect the duties and responsibilities assigned to that employee by an appointing authority. ()

4951. Reduction In Pay. A reduction of an employee's salary from one (1) pay rate to a lower rate within the pay grade to which the employee's class is allocated. (7-1-94)

502. Register. A list of names of persons or the name of one (1) person who has been determined to be eligible for employment in a class on the basis of examination and merit factors as established by the administrator. An adequate register lists at least five (5) names of eligible candidates currently available for consideration for each vacancy in the class for which the register was established. (4-5-85)

~~**513. Reinstatement.** The reappointment of a former or current classified employee pursuant to Section 125. (7-1-87)~~

524. Relief Shift Employee. An employee whose regular assignment is to work during the absences of others. (Ref. Subsection 075.01.b.) (12-10-90)

~~**535. Resignation.** The voluntary quitting of state employment, excluding retirement. (6-11-89)~~

~~**546. Respondent.** The party whose interests are adverse to those of the appellant. (7-1-93)~~

~~**557. Status.** The character of an employee's appointment. (7-1-77)~~

~~**568. Suspension.** An enforced period of absence, with or without pay, for disciplinary purposes, for felony charges, or pending investigation of charges made against an employee pursuant to Section 190. (7-1-87)~~

~~**579. Termination.** The separation of an entrance or voluntary probationary employee from classified service for unsatisfactory service during the probationary period without cause assigned by the appointing authority pursuant to Section 150. (7-1-87)~~

~~**5860. Traded Time.** Those hours an employee agrees to substitute for another employee during scheduled hours of work, where both work in the same capacity, the agreement to substitute is solely at the employees' option, and the agreement is approved by the agency by whatever manner is customary. (7-1-87)~~

~~**5961. Transfer.** A change of work location of an employee in which the employee changes from one (1) position to another in the same class or to another class in the same pay grade. (4-5-85)~~

~~602.~~ **Underfill.** The filling of a class of position with an employee in a class of lower pay grade to accommodate a training period as approved by the administrator. (4-5-85)

~~673.~~ **Workweek.** A period of seven (7) consecutive days beginning 12:01 a.m. Sunday. (Ref. Section 073). (12-10-90)

~~011. -- 0198.~~ (RESERVED).

~~02019.~~ **BASIC MERIT REQUIREMENTS OF THE PERSONNEL SYSTEM.**

All appointments, ~~and promotions to positions and separations~~ in the ~~state~~ classified service ~~and all measures for the control and regulation of employment of such positions, and separations therefrom,~~ shall be based ~~solely on merit, efficiency, and fitness~~ on competence, valid job requirements, and individual performance. (8-1-81)()

020. VETERANS' PREFERENCE.

Preference must be given to qualified veterans who are residents of Idaho in all employment actions including hiring, transfer, promotion, and retention except for confidential secretarial positions. ()

01. Veteran Defined (For Preference Purposes). Any person who has served in the active service of the armed forces of the United States during any period of war recognized by the United States Department of Veterans Affairs for the purpose of awarding federal veterans benefits and who has been discharged from service under honorable conditions. (Ref. Sections 65-509 and 65-510, Idaho Code). ()

02. Preference Points. Veterans and disabled veterans who are residents of the state of Idaho, and their widows or spouses, when qualified under state law shall have additional points added to a passing score and placed on the register in accordance with the provisions set forth in Section 102. (Ref. Subsection 093.03, and Sections 65-502, 506, 507, and 67-5309(f), Idaho Code). ()

03. Promotion/Transfer Consideration. Qualified veterans shall be given additional consideration in promotion and transfer decisions. When candidates are considered to be equal based on valid job related factors, veterans shall be preferred. (Ref. Sections 65-502, 65-504, and 67-5309, Idaho Code). ()

04. Retention. War veterans (as defined in Chapter 5, Title 65, Idaho Code) shall receive the equivalent of three (3) years of satisfactory service in additional points awarded towards the total calculation of retention points in a reduction of work force determination. (Ref. Section 140). ()

021. DISCRIMINATION PROHIBITED.

No person shall be disqualified from taking an examination, from appointment to a position, from promotion, or from holding a position in the classified service because of race or national origin, color, sex, age, political or religious opinion or affiliation, handicap, or for being a disabled or Vietnam era veteran, nor shall any person be separated, demoted, or transferred from any position in classified service or otherwise discriminated against in compensation, terms, conditions, or privileges of employment for any of these reasons. In determining whether discrimination has taken place, reference will be made to the appropriate federal and state statutes, regulations, and executive orders discriminated against in regards to appointments, promotions, demotions, separations, transfers, compensation, or other terms, conditions, or privileges of employment because of race, national origin, color, sex, age, religion, disability, or veteran status (under other than honorable conditions). (4-5-85)()

022. PROHIBITED QUESTIONS.

No All questions in any form on the applications and or in any examinations shall be so framed as to elicit information concerning political or religious opinions or affiliations of any applicant, nor shall inquiry be made concerning such opinions or affiliation, and all disclosures thereof shall be disregarded based on valid job requirements. Questions which impermissibly discriminate on the basis of race, national origin, color, sex, age, religion, disability, political affiliation, or veteran status are prohibited. (2-1-67)()

023. AGE AND SEX REQUIREMENTS BONA FIDE OCCUPATIONAL QUALIFICATION.

Specific age or sex requirements for certain classes may be established by the Personnel Commission when such requirements represent bona fide occupational qualifications. Qualification requirements based on age or gender may

be established as necessary for specific positions by the Administrator of the Division of Human Resources. (8-1-81)(____)

024. CONFLICT OF INTEREST AND PERSONAL CONDUCT.

The maintenance of a high standard of honesty, ethics, impartiality, and conduct by state employees is essential to ensure proper performance of state business and strengthen the faith and confidence of the people of Idaho in the integrity of state government and state employees. ~~The appointing authority of any department may~~ All appointing authorities shall establish such policies and standards necessary to ~~prevent conflicts of interest~~ implement Section 024. (4-5-85)(____)

(BREAK IN CONTINUITY OF SECTIONS)

040. NONCLASSIFIED EMPLOYEES SUBJECT TO CLASSIFIED SERVICE SUBSEQUENT TO APRIL 5, 1985.

The provisions of this rule shall apply to all employees exempt from classified service who, subsequent to April 5, 1985, become subject to the provisions of Chapter 53, Title 67, Idaho Code, ~~by legislation or executive order of the Governor.~~ (7-1-87)(____)

~~041. PROBATIONARY PERIOD 01. Probationary Period.~~ A nonclassified employee brought under classified service under Section 040 must serve a probationary period appropriate for the class assigned to the employee's position. Service uninterrupted by resignation, termination, or dismissal immediately prior to inclusion in classified service shall be considered as probationary service. (7-1-87)(____)

~~042. CERTIFICATION TO PERMANENT STATUS 02. Certification To Permanent Status.~~ An employee who has completed a probationary period as required above and who is certified in writing by the appointing authority as serving satisfactorily shall be certified to permanent status without examination. (8-1-81)(____)

~~043. EXAMINATION 03. Examination.~~ An employee who has not completed a probationary period as required above shall be required to pass an examination for the class assigned to the employee's position. Prior to passing such examination, the employee's status shall be provisional. (4-5-85)(____)

~~044. SEPARATION 04. Separation.~~ An employee who is not certified by the appointing authority as serving satisfactorily shall be separated from state service no later than thirty (30) calendar days after inclusion in classified service. An employee who fails to pass the examination or had an opportunity to have such examination and not availed himself or herself thereof shall be separated no later than thirty (30) calendar days after the establishment of an adequate register of eligibles. (4-5-85)(____)

~~045. SALARY 05. Salary.~~ The salary of an employee, under these rules, shall be adjusted to the pay rate in the pay grade allocated to the employee's class that represents no salary loss from the employee's base rate in nonclassified status. (7-1-94)(____)

~~046. SALARY PROTECTION 06. Salary Protection.~~ If the salary of an employee, brought under classified service under Section 040, is greater than the highest rate of the pay grade of the class to which assigned, the employee's salary shall not be reduced; but he or she shall thereafter receive no salary increase, except for bonuses provided under Section 67-5309C, Idaho Code. (7-1-94)(____)

~~0471. -- 049. (RESERVED).~~

050. CONSULTANTS AND PERSONS EMPLOYED UNDER INDEPENDENT CONTRACT.

Nothing in these rules shall prohibit the use of independent contractors or consultants who are paid on a fee basis for legal, medical, or other professional services, provided that they are not engaged in the performance of administrative duties for any state department. (7-1-94)

~~051.~~ ~~LIMITATIONS.~~

01. **No Fee Basis.** No position in the state classified service shall be filled by a consultant or independent contractor on a fee basis. (8-1-81)

02. **~~Emergency Situations Limited Use Only.~~** Individuals employed through contracts with temporary services or professional staffing agencies shall be ~~hired~~ utilized only for short-term, ~~emergency~~ situations. (~~7-1-87~~)(____)

~~052~~1. -- 059. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

062. **AUTHORITY.**

The administrator shall have the responsibility and ~~sole~~ authority to classify positions in the classification schedule. (7-10-88)(____)

(BREAK IN CONTINUITY OF SECTIONS)

064. **AMENDMENT OF CLASSIFICATION SCHEDULE.**

01. **Changes To Classifications.** Whenever it is necessary to establish or delete a classified position or to revise a position's responsibilities, the appointing authority shall submit proposed changes to the administrator. (~~4-5-85~~)(____)

02. **Approval.** Each appointing authority, prior to establishing any new position within the department, shall obtain the approval of the administrator for the classification of such positions and their ~~allocation~~ assignment to a pay grade in the compensation schedule. Approval by the ~~budget~~ administrator of the Division of Financial Management for sufficiency of funds is also required. (~~11-1-75~~)(____)

03. **~~Allocation~~ Assignment To Pay Grade Required.** No person shall be appointed to, employed in, or paid for services in any classified position until the position has been established, classified, and ~~allocated~~ assigned to a pay grade in accordance with these rules. (~~7-1-87~~)(____)

065. **APPROVAL OF NEW, REVISED AND DELETED CLASSIFICATIONS.**

01. **New And Refactored Classifications.** New classifications of work and revised classes shall be submitted by the administrator to the ~~budget~~ Division of Financial Management administrator for approval when there is a fiscal impact. (~~7-1-94~~)(____)

02. **Revised And Deleted Classifications.** Revised classifications with no fiscal impact and classes deleted from the classification schedule require approval only of the administrator. (7-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

067. **RECLASSIFICATION OF POSITIONS.**

01. **Procedure.** Positions may be reclassified in the same pay grade, upward, or downward as determined by an analysis by Division of Human Resources' staff of the duties and responsibilities assigned by

appointing authorities to specific positions. An incumbent occupying a reclassified position shall be properly classified by an appointing authority within thirty (30) calendar days of being notified by the administrator that the duties and responsibilities assigned to the position are not properly classified. (4-5-85)

02. Effective Date. Reclassifications of positions shall not be effective until they are approved by the administrator, but may be retroactive to the beginning of the pay period during which approval is granted. Reclassification of an employee shall not precede the effective date of the reclassification of the position. ~~(8-1-81)~~(____)

03. Violations. Upon a determination of the administrator that an incumbent employee is improperly classified, the administrator shall notify the employee, the appointing authority, and the state controller's office that the employee is being compensated in violation of these rules. (Ref. Section 67-5312, Idaho Code). (7-1-87)

(BREAK IN CONTINUITY OF SECTIONS)

070. COMPENSATION OF EMPLOYEES.

01. Conduct Of Salary Surveys. The Division of Human Resources shall conduct or approve salary surveys, to determine salary ranges that represent competitive labor market average rates for all positions in the classified service. (7-1-94)

02. Relevant Labor Markets For Classifications Up To Two Hundred Seventy Points. For classifications up to two hundred seventy (270) points, the comparator market shall consist of the Idaho in-state market, representing private and public employers in the state. (7-1-94)

03. Relevant Labor Markets For Classifications From Two Hundred Seventy-One To Five Hundred Fifty Points. For classifications from two hundred seventy-one (271) to five hundred fifty (550) points, the comparator market shall be the Idaho in-state market, representing private and public employers, and a group of nine (9) Western State governments, consisting of Arizona, Colorado, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. (7-1-94)

04. Relevant Labor Markets For Classifications Above Five Hundred Fifty Points. For classifications above five hundred fifty (550) points, the comparator market is the nine (9) Western State governments identified in Subsection 070.03 ~~above~~, and other relevant markets. ~~(7-1-94)~~(____)

~~**05. Salary Survey Benchmark Classes.** *The classifications used in the Division of Human Resources' salary surveys shall be adopted by the administrator in a public meeting after notice, and a current list shall be provided to all appointing authorities.* (7-1-97)~~

065. Salary Schedule. The administrator shall adopt the salary ranges for the pay grades in Section 67-5309C, Idaho Code, which normally represents eighty-five percent (85%) to one hundred twenty-five percent (125%) of the payline policy formulas in Section 67-5309B, Idaho Code, in a public meeting after notice, and a current salary schedule shall be provided to all appointing authorities. ~~(7-1-97)~~(____)

06. Compensation Plan. Significant changes to components of the compensation plan shall be presented in a public meeting after notice. (____)

071. COMPENSATION PLAN REVIEWS.

01. Review Of Compensation Schedule. The Division of Human Resources in cooperation with the various appointing authorities shall conduct reviews of the compensation plan ~~and the Division of Human Resources' policies and procedures.~~ (7-1-93)(____)

02. Affirmation Of Factoring. In the review of classifications, the factoring of a class may be affirmed

if there has been no significant change in the duties of the classification and the factoring appears to be correct. (7-1-93)

072. OPERATION OF COMPENSATION PLAN.

01. Authorized Pay Rate. No employee in the state classified service shall be paid at a rate less than the minimum nor greater than the maximum rate of the pay grade assigned to the class, except as provided in Section 0462, and Subsections 040.06, and 072.076, and Section 67-5309C(b)(i), Idaho Code. (7-1-98)(____)

02. Entrance Salary. The entrance salary for a new appointee shall ~~be the minimum rate of the fall~~ within the paygrade allocated assigned to the employee's class except when a payline exception is necessary to hire a particularly qualified individual. (Ref. Section 67-5309C(b)(i), Idaho Code). (7-1-98)(____)

03. Salary After Reappointment From Layoff. An employee appointed from a layoff register (Subsection 101.01 and Section 145) shall be paid at the current pay grade for the classification to which reappointed ~~and or~~ at the same payrate he or she received immediately preceding layoff, whichever is greater. (7-1-94)(____)

04. Salary Upon Transfer. (7-10-88)

a. A transfer between departments (Section 126) in the same class or one (1) of equal pay grade ~~shall have no effect on~~ does not require a change in the employee's salary ~~unless,~~ but a lower or higher rate is may be negotiated between the employee and the appointing authority. (7-1-94)(____)

b. If the transfer is to a class of lower pay grade (demotion), the employee's salary is negotiable between the employee and appointing authority up to the employee's current salary immediately preceding transfer not to exceed the maximum rate for the lower pay grade. (7-1-94)

~~e. When necessary to transfer a particularly qualified individual, the appointing authority may make the transfer at a higher pay rate within the assigned pay grade. (7-1-94)~~

05. Salary Upon Reinstatement. (7-10-88)

a. Except as otherwise provided in the following rule, the salary of a reinstated employee (Section 125) is negotiable between the employee and appointing authority in the current pay grade for the class in which the employee has reinstatement privileges ~~up to the pay rate the employee last received while in that class.~~ The negotiated amount cannot exceed the maximum rate of the pay grade for the class to which the employee is reinstated. ~~If reinstatement would cause a current employee to lose salary, his or her salary may be protected to its current level not to exceed the maximum pay rate of the assigned pay grade. (7-1-94)(____)~~

~~b. When necessary to reinstate a particularly qualified individual, the appointing authority may make the reinstatement at a higher pay rate within the assigned pay grade. (7-1-94)~~

~~06. Salary Upon Upward Reallocation. When a class is reallocated upward, employees shall receive their current hourly rates or the lowest rate of their assigned pay grade, whichever is greater. (7-1-94)~~

076. Salary Upon Downward Reallocation Reassignment. When a class is ~~reallocated~~ reassigned downward the employee's salary ~~shall will~~ be protected ~~and shall be "frozen" above the highest rate of the pay grade to which the classification is assigned, if necessary~~ within the new paygrade. If a particularly qualified employee's salary is above the highest rate of the new paygrade, the appointing authority may petition the administrator to "freeze" the employee's salary. (7-1-94)(____)

087. Salary Upon Return From Military Duty. An employee who returns to state service from active military duty in accordance with the provisions of Sections 65-511 or 65-512, Idaho Code, shall be paid at the ~~same~~ comparable rate in the current pay grade for the classification to which he or she was assigned prior to leaving for military service. (7-1-94)(____)

073. CALCULATION OF PAY.

01. Standard Calculation Of Pay. For other than police, correctional officers, or fire employees, pay shall be calculated in the following order: ~~(12-10-90)~~(____)

- a. Holiday pay; (12-10-90)
- b. All hours worked on a holiday as overtime; (12-10-90)
- c. All hours worked over forty (40) in the workweek as overtime, excluding occasional or sporadic work and traded time; (12-10-90)
- d. Vacation, sick and other paid or unpaid leaves; and (12-10-90)
- e. All remaining hours worked at the employee's regular rate of pay, with the optional use of earned administrative leave. Shift differential pay shall be calculated according to Section 075 and paid in addition to any other compensation. (Ref. Sections 67-5302(19), 67-5329, Idaho Code; Subsections 010.39 through 010.41, 010.58, 073.03 and Section 250). (12-10-90)

02. Calculation Of Pay For Police, Correctional Officers, And Fire Employees. Police, Correctional Officers, and fire employees on a twenty eight (28) day work schedule shall be compensated as described above, except that overtime shall be calculated based on one hundred sixty (160) hours in a twenty eight (28) day period instead of forty (40) hours in a workweek, and earned administrative leave shall be calculated based on eighty (80) hours in a biweekly pay period instead of on a weekly basis. ~~(7-1-87)~~(____)

03. Holiday Pay Calculation. (7-1-87)

a. All classified employees of like classification, shall be treated equally with reference to hours of employment, holidays, and vacation leave. (Ref. Section 67-5326, Idaho Code). (____)

~~a~~b. A full-time employee shall receive holiday pay in accordance with the number of hours the employee works on a regular workday. If the employee's schedule is so irregular that a regular workday cannot be determined, the employee shall receive eight (8) hours of holiday pay. An employee must receive pay either the scheduled workday before or after the holiday in order to receive the holiday benefit. ~~(7-1-87)~~(____)

~~b~~c. A part-time employee who has a regular work schedule shall be paid for a holiday: 1) in the same proportion to eight (8) hours that the hours the employee normally works in a week bear to forty (40), which for calculation purposes converts to two tenths (.20) x hours normally worked; or 2) to the extent the employee would have worked had the holiday been a regular workday. The use of method 1) or 2) is discretionary with the appointing authority. (7-1-87)

~~c~~d. If a part-time employee's hourly schedule is so irregular that a normal workweek cannot be determined, an appointing authority may substitute the following method for 1) above: in the same proportion that the hours the employee works during a week in which a holiday occurs bear to forty (40). (4-5-85)

e. Schedules resulting in holiday time off in excess of eight (8) hours must only be approved in such a way as to treat all members of the affected job classification equally. Appointing authorities may suspend flex schedules during holiday weeks or may grant administrative leave or otherwise adjust work schedules to ensure equity. (____)

04. Reduction Of Salary. The salary of an employee receiving more than the lowest rate of the pay grade for his or her class may be reduced to a lower rate by the appointing authority for disciplinary reasons enumerated in Section 190. (7-1-94)

05. Temporary Merit Increases. Temporary merit increases shall not be calculated retroactively. (Ref. Section 67-5309C(b)(ii), Idaho Code). (7-10-88)

06. Department Salary Administration Policies. Each department shall adopt and file with the administrator current salary administration policies for the following actions to insure fairness and equity for all employees within that department: (8-1-81)(____)

- a. Merit increases and bonuses (Section 67-5309C(b), Idaho Code, and Subsection 073.05.); (7-1-94)
- b. Reclassification (Section 067); (4-5-85)
- c. Demotions (Section 180); (4-5-85)
- d. Intradepartmental transfers (Section 126); (4-5-85)
- e. Failure to complete promotional probationary periods (Subsection 152.03.); (4-5-85)
- f. Promotions (Section 170); (4-5-85)
- g. On-call time (Subsection 010.40). (4-5-85)

07. Salaries For Temporary Appointments. Except as provided by the following rule, salaries for employees hired under temporary and project-exempt appointments will be governed by Section 59-1603, Idaho Code. (4-5-85)

074. ASSIGNMENT OF HAY EVALUATION POINTS.

01. Assignment To Pay Grade. Pursuant to Sections 67-5309B and C, Idaho Code, the pay grade to which a class is ~~allocated~~ assigned shall be determined by the number of Hay evaluation points assigned to each class. (7-1-94)(____)

02. Guide Charts. The Hay evaluation points assigned to a class shall be the composite numerical value of points factored from the Hay guide charts. ~~The administrator shall adopt the Hay guide charts in an open meeting after notice.~~ (7-1-97)(____)

03. Factoring Benchmarks. The ~~correlated~~ factoring benchmarks correlated by Hay Management Consultants shall be used in conjunction with the Hay Guide ~~e~~Charts to determine the number of points assigned to a classification. ~~The administrator shall adopt the correlated factoring benchmarks in an open meeting after notice.~~ (7-1-97)(____)

04. Factoring Session Process. ~~The Division of Human Resources' staff shall schedule a factoring session in which the appropriate department representative(s) may present to a factoring committee both oral and written testimony concerning the class to be factored. The testimony shall describe the principal duties of the position as described in the class specification and may include a recommendation of the number of Hay evaluation points to be assigned. Hay evaluation points shall be assigned to a class through the following methods, which may be used separately or in combination with the others:~~ (7-1-87)(____)

a. Informal Agreement. The appointing authority presents the new or revised class and factoring recommendation informally to the administrator of the Division of Human Resources or designee and there is agreement on the points assigned. (____)

b. Factoring Session. The administrator shall determine the membership of a factoring committee and schedule a factoring session in which the appointing authority or designee may present both oral and written information concerning the class to be factored. The factoring committee shall assign Hay evaluation points in accordance with Section 074 and the administrator shall notify the appointing authority in writing of the decision of the factoring committee. The appointing authority may request an issue conference with the factoring committee and present their perspective on the assigned points. The factoring committee may affirm or modify the assigned points. The administrator will provide a letter to the appointing authority stating the outcome of the issue conference. (____)

c. Hay Management Consultants. After consultation with the appointing authority, the administrator may refer the class to Hay Management Consultants for a factoring analysis. ()

~~05. **Membership Of Factoring Team.** The administrator or designee shall determine the membership of a factoring committee, which may include Division of Human Resources' staff and department personnel staff who are knowledgeable of the Hay system. **Approval.** After consultation with the administrator of the Division of Financial Management for approval regarding potential fiscal impacts, the administrator of the Division of Human Resources shall have final approval of the Hay evaluation points assigned to each class. These points are final unless appealed in accordance with Section 67-5316, Idaho Code. (7-1-87)()~~

~~06. **Factoring Process.** The factoring committee shall assign Hay evaluation points in accordance with Rule 074, taking into account the testimony given to the factoring committee, comparisons of the class with similar positions in the department(s), and the position of the class within the organization. The administrator or the Division of Human Resources' staff shall notify the department(s) in writing of the decision of the factoring committee, with a summary of the reasons for the assigned rating if a recommendation of the department representative(s) is not accepted. (7-1-87)~~

~~07. **Issue Conference.** An appointing authority who desires to protest a rating shall request an issue conference with the factoring committee, and present reasons why the assigned rating is in error. The factoring committee may affirm or modify the rating. The administrator or Division of Human Resources' staff will provide a letter to the appointing authority stating the outcome of the issue conference and the basis for the committee's rating. (7-1-87)~~

~~08. **Finality Of Rating.** The rating of the factoring committee shall be final unless appealed in accordance with Section 67-5316, Idaho Code. (7-1-87)~~

075. SHIFT DIFFERENTIAL.

01. Eligibility. (12-10-90)

a. Shift differential compensation shall be paid if fifty percent (50%) or more of an employee's assigned hours in a workweek occur between 6 p.m. and 7 a.m. Leave hours taken shall be regarded as having been assigned during the same hours that the employee would have worked. (12-10-90)

b. Shift differential compensation shall be paid for all hours worked by a relief shift employee. (12-10-90)

02. Shift Pay Rate. Shift differential compensation shall be paid at the rate of five percent (5%). (7-1-94)

03. Hours Paid At Shift Rate. If an employee qualifies for shift differential pay during a workweek, the shift rate shall be calculated for all hours reported in that week, including holiday pay, overtime and leave taken. The resulting amount of shift differential pay shall be included in the compensation for that pay period. (12-10-90)

04. Ineligible Employees. Employees who are ineligible for cash compensation and compensatory time for overtime work are ineligible for shift differential compensation. (Ref. Section 67-5329(1), Idaho Code). (12-10-90)()

05. Multiple Positions. For an employee who has more than one (1) position, eligibility for shift differential shall be determined by position. (2-6-92)

(BREAK IN CONTINUITY OF SECTIONS)

082. ~~TYPES OF EXAMINATIONS~~ METHODS OF RECRUITMENT.

For the purpose of establishing eligibility registers, there are ~~two~~ three (23) ~~kinds~~ methods of examinations recruitment: open competitive, and department promotional or statewide promotional (8-23-82)(____)

~~01. Open Competitive. Open-competitive examination; and~~ (8-23-82)

~~02. Promotional. Promotional examination.~~ (8-23-82)

083. LOCATION OF EXAMINATIONS.

When the administrator determines it to be in the best interest of the personnel system, examinations may be held in specific areas of the state, by approved proctors outside the state of Idaho, or via electronic communications.

(4-5-85)(____)

(BREAK IN CONTINUITY OF SECTIONS)

086. APPLICATIONS.

01. Form. All applications shall be filed on the form prescribed by the administrator. A separate form must be filed for each class for which application is made unless otherwise prescribed in the announcement. (8-1-81)

02. Filing Of Applications. Applications are currently accepted by mail, personal delivery, electronic mail and FAX to the Division of Human Resources. Whenever applications are filed by electronic mail or FAX, the original shall be deposited in the mail the same day or hand delivered the following day. An application will also be considered timely if any ~~personnel~~ Job Service or agency human resources office receives and date stamps it by the closing date, notifies the ~~Exams Bureau that the application has been received~~ Division of Human Resources, and ensures that it is delivered to the Division of Human Resources by ~~5 p.m.~~ close of the next business day.

(6-18-95)(____)

03. Application By Military Personnel. An application for examination will be accepted after the closing date of the announcement from a person who was serving in the armed forces, or undergoing hospitalization of no more than one (1) year following discharge, during any period in which the examination announcement was open. The application must be submitted within one hundred twenty (120) days of the applicant's separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. The applicant must be a resident of Idaho when application is made. (Ref. Sections 65-502 and 67-5309(f), Idaho Code). (4-5-85)

04. Examination Of Disabled Veterans. A disabled veteran may file an application for examination at any time for any class for which the Division of Human Resources maintains a register or for which a register is about to be established, provided he or she has not already been examined twice for the same class, does not have current eligibility on that register, or is not serving in a class in the same or higher pay grade as the class for which application is made. The applicant must be a resident of Idaho when application is made. (Ref. Sections 65-502 and 67-5309(f), Idaho Code). (4-5-85)

05. Promotion Of Entrance Probationary Employee. Any classified employee on entrance probation may file an application for a promotional opportunity but may not be placed on a register until permanent status has been attained. (Ref. Subsections 160.01. and 170.03.). (7-1-87)

06. Disclosure Of Information For Hiring Purposes. By submitting an application, an individual is deemed to authorize disclosure of confidential information to state agencies for purposes of screening, testing, interviewing and hiring. (Ref. Section 9-340C, Idaho Code). (12-10-90)

087. ~~REJECTION~~ DENIAL OF APPLICATIONS.

01. Basis. ~~Any application for examination may be rejected in case the administrator finds~~ The

administrator may choose not to process an application for examination if: (8-1-81)()

a. ~~That~~ The applicant ~~does~~ will not meet the minimum qualifications specified in the announcement ~~for admission to the examination; provided, however, that the administrator may admit to examination any applicant who will meet the requirements~~ at the time set for appointment. (4-5-85)()

b. ~~That~~ The application was not received on or before the closing date for acceptance of applications. (4-5-85)()

c. ~~That~~ A background investigation or examination of an applicant discloses that the applicant committed an act which is cause for dismissal as provided in Section 190. (7-1-87)

02. ~~Effect Of Rejections~~ Further Actions. When any such finding under Subsection 087.01 is made, the administrator may ~~reject~~ deny the application and may cancel the eligibility of the applicant if he or she has already attained a place on the eligibility register. If the applicant has already received appointment, the administrator may take appropriate action to have the employee removed from the position. (8-1-81)()

(BREAK IN CONTINUITY OF SECTIONS)

090. EXAMINATIONS.

Examinations shall be designed to ~~test~~ evaluate factors pertinent to an individual's ability to perform competently the duties of the classification. The factors tested shall be job-related and may include, but are not limited to, education and experience, knowledge, skills, abilities, aptitude, and physical ~~condition~~ ability. (4-5-85)()

091. PROHIBITED FACTORS.

No part of any examination shall include any question designed to reveal prohibited information including the political or religious affiliation or belief, national origin or race of any candidate. (8-1-81)()

092. PREPARATION OF EXAMINATIONS.

01. Content Of Examinations. Examinations may include any questions, tests or criteria designed to evaluate the fitness suitability of applicants ~~and their capacity to develop in merit advancement for job openings within a classification~~. So far as is practical, promotional examinations shall be similar to corresponding open-competitive examinations and the same standards shall be applied in determining scores. (4-5-85)()

02. Job Analysis And Confidentiality. Contents of each examination shall be determined by the Division of Human Resources' staff on the basis of appropriate professional techniques and procedures of job analysis and test development. No information concerning the specific content of the examination shall be divulged to unauthorized personnel by Division of Human Resources' staff or other personnel who have access to the examinations. (4-5-85)

03. Subject-Matter Experts. The Division of Human Resources' staff may, at their discretion, collaborate with appointing authorities, incumbents, subject-matter experts, or other qualified persons in the preparation of examinations. (8-1-81)

093. CONDUCT AND RATING OF EXAMINATIONS INCLUDING VETERANS' PREFERENCE POINTS.

01. Designation Of Examiners. The examinations shall be conducted and rated by persons designated by the administrator. (8-1-81)

02. Scoring Of Examinations. Each examination shall be rated for final scores on the basis of one hundred (100) point maximum. ~~The passing point for final scores shall be seventy (70).~~ The Division of Human Resources' staff shall use appropriate statistical and professional techniques and procedures in determining passing

points and final scores.

(4-5-85)()

03. Veterans' Preference.

(4-5-85)

a. Veterans' and disabled veterans' points, when applicable under state law, shall be added to the final score achieved in the examinations, notwithstanding the fact that the augmented final score may exceed one hundred (100) points. Veterans' preference points are only applicable when the applicant is a resident of Idaho. (Ref. Sections 65-502 and 67-5309(f), Idaho Code)

(4-5-85)

b. Veterans' and disabled veterans' preference points shall not be added to the raw score in order to achieve a passing score.

(4-5-85)

04. Failing Score. Failure in any part of the examination may disqualify the applicant in the entire examination and from having his or her name placed on the register. Final scores shall be computed in accordance with weights assigned the individual factors in the total examination.

(4-5-85)

05. Use Of Alternate Announcement. An examination may be rated for another class under current announcement at the discretion of the administrator.

(4-5-85)

06. Waiver Of Examination. Notwithstanding other provisions in these rules, when ten (10) or fewer applications are received for a class position announcement and there is no existing register, the announced examination may be waived by the administrator. Applicants meeting minimum qualifications shall be eligible for appointment and their placement on the register shall take into account veterans' preference. When using registers developed in this manner, appointing authorities shall provide the opportunity for placement interviews for each applicant on the register.

(7-1-98)()

07. Examination Upon Reclassification. An employee occupying a position which is reclassified (Subsection 067.01) may be required at the discretion of the administrator to pass an examination for the class to which reclassified.

(4-5-85)

(BREAK IN CONTINUITY OF SECTIONS)

095. NOTICE AND RECORD OF RESULTS OF EXAMINATION.

All competitors shall be notified by mail of their final scores. The records of scores shall be held as official records for the life of the resulting eligibility registers. ~~Any competitor, or his or her representative authorized in writing, shall be permitted to inspect his or her own papers and records except examination content and scoring material upon application in person at the office of the Division of Human Resources in Boise during business hours. Such review shall be limited to the time allowed for appeal from examination scores. (Ref. Rule 096).~~

(4-5-85)()

096. REVIEW AND APPEALS FROM RATINGS.

01. Review Of Examination Content And Scoring Material. Any competitor, or his representative authorized in writing, shall be permitted to inspect his own papers and records, except examination content and scoring material, upon application in person at the office of the Division of Human Resources in Boise during business hours. Alternative arrangements are available for competitors located outside of Boise. Review shall be limited to the time allowed for appeal of examination scores.

()

02. Appeal Of Examination Score. Any competitor, by written request to the administrator, may appeal his or her examination score within thirty-five (35) calendar days after the notice was mailed to such competitor. The administrator shall review the test, may change the score, and may take any other action necessary to insure the integrity and quality of the testing process. When such review discloses error affecting the scores of other competitors, the review and adjustment shall include their scores. The administrator shall provide a written explanation to competitors whose scores are affected by the action taken.

(6-11-89)()

097. ALTERNATIVE EXAMINATION PROCESS FOR PERSONS WITH DISABILITIES.

01. **Conditions For Eligibility.** Notwithstanding other provisions in these rules, an agency may appoint an individual directly into entrance or promotional probationary status in a class if the Division of Vocational Rehabilitation, the Idaho Commission for the Blind, or the Industrial Commission certifies the following: (7-1-93)

a. That the individual has a ~~disability or handicap, which is a~~ physical or mental impairment that substantially limits one (1) or more major life activities, as further defined under state or federal law; ~~(7-1-93)~~()

b. That the individual meets the minimum qualifications of the class and is qualified to perform the essential functions of a particular classified position with or without reasonable accommodation; and (7-1-93)

c. That the individual lacks competitiveness in the examination process due to the ~~disability or~~ ~~handicap.~~ ~~(7-1-93)~~()

02. **Concurrence Required.** The certification shall be made with the concurrence of Division of Human Resources' ~~staff.~~ ~~(7-1-93)~~()

03. **Probationary Period.** The probationary period shall be the sole examination for individuals certified under this alternative examination process. (Ref. Section 150). (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

102. PLACEMENT ON REGISTER.

01. **Score Order.** Eligible ~~candidates~~ shall be placed on the register for a given class ranked in descending numerical order ~~in accordance with~~ based on their final score on the examination for such class. ~~(4-5-85)~~()

02. **Veterans' Preference.** Eligible ~~veterans~~ eligibles or surviving spouses entitled to five (5) point preference shall be placed on the open-competitive register in accordance with their final score on the examination augmented by preference points. (Ref. Subsection 093.03, Section 65-506, Idaho Code) ~~(4-5-85)~~()

03. **Disabled Veterans' Preference.** Eligible ~~disabled veterans~~ eligibles or surviving spouses entitled to ten (10) point preference shall be placed at the top of the open-competitive register above all other eligibles candidates in order of their final score on the examination augmented by preference points. (Ref. Subsection 093.03, Section 65-605, Idaho Code) ~~(4-5-85)~~()

04. **Veterans' Preference For Initial Appointment Only.** The additional points added by reason of veterans' preference shall be used only for initial appointment and not for the purpose of promotions in classified service ~~or subsequent appointment after an interruption in service.~~ (Ref. Section 65-506, Idaho Code) ~~(7-1-87)~~()

103. DURATION OF ELIGIBILITY REGISTERS.

~~Except for layoff registers (Rule 101.01) the names of eligible candidates on any eligibility register shall remain thereon for twelve (12) months unless the duration of the register is specifically extended or shortened by the administrator.~~ ~~(4-5-85)~~

01. **Eligible Candidates.** Eligible candidates on layoff registers will remain thereon for twelve (12) months. (Ref. Subsection 101.01) ()

02. **Duration.** The duration of all other registers will be determined by the administrator based on the frequency of job openings and agency need. ()

104. REMOVAL OF NAMES.

01. Reasons Specified. Names may be removed from an eligibility register by the administrator because of: (4-5-85)

a. Appointment of the eligible from the register to the class or appointment to a class in a higher pay grade. (4-5-85)

b. ~~Filing of a~~ statement by the eligible that he ~~or she~~ is not willing to accept appointment under conditions previously specified. (~~4-5-85~~)(____)

c. Physical, mental or other disability where it has been demonstrated that the disability will prevent the eligible from satisfactorily performing the essential functions of the position with reasonable accommodation for the ~~handicap~~ disability. (~~4-5-85~~)(____)

d. Failure of an eligible to respond within seven (7) calendar days to inquiry concerning availability for employment. (4-5-85)

e. The eligible's conduct renders him or her unsuitable for a position in the state service. (4-5-85)

f. Written rejection of the eligible for good cause by an appointing authority as approved by the administrator. (7-1-87)

g. Conviction of an eligible of any felony. (4-5-85)

h. False statements of material facts given in the eligible's application for employment or any subsequent examinations or interviews. (4-5-85)

i. Dismissal of an eligible from state service. (4-5-85)

02. Removal For Improper Influence. The administrator may remove from an eligibility register the name of any person who has paid, promised to pay, or given any money, thing, service or consideration to any person, directly or indirectly, for any service or influence given, used, or promised towards securing appointment; or any person who has directly or indirectly obtained information regarding examinations to which, as an applicant, he or she is not entitled. (4-5-85)

03. Refusal Of ~~Referral~~ Interview Or Position. Any eligible candidate who ~~one (1) time~~ refuses an ~~referral~~ interview or refuses to accept a position under the conditions set forth in the examination announcement may have his or her name removed from the eligibility register by the administrator. (~~7-1-87~~)(____)

04. Removal Of Names. If the name of an eligible candidate has been certified for a probationary appointment for three (3) separate positions in the same class in the same department and has not been accepted for good cause, an appointing authority may request in writing to the administrator that the candidate not be certified to that department again for that class. (7-1-87)

05. Removal For Declining Three Offers. Upon written petition from an appointing authority, an employee's name may be removed from a departmental layoff register if the employee declines three (3) separate offers of reemployment without good cause. (Ref. Subsection 101.01) (7-1-87)

105. TEMPORARY UNAVAILABILITY NOT REASON FOR REMOVAL.

Temporary unavailability of an eligible applicant, not to exceed fifteen (15) calendar days, in order that the employee may give his or her employer advance notice of separation is not proper cause for his or her removal from the register ~~or rejection by an appointing authority.~~ (~~4-5-85~~)(____)

(BREAK IN CONTINUITY OF SECTIONS)

111. NUMBER OF NAMES ON REGISTER.

The Division of Human Resources' staff shall certify from the eligibility register, in the order of their scores, a sufficient number of names so that the appointing authority shall be able to select for appointment from among ten (10) eligibles successively for each position to be filled. If an appointment is to be made to one (1) position only, the top ten (10) available eligibles shall be certified. If appointments are to be made to more than one (1) position, one (1) additional name shall be added for each vacancy so that the appointing authority shall have ten (10) names to consider for each vacancy. The names of all eligibles with scores identical to the tenth ranking eligible on the register shall be ~~arranged in alphabetical order and certified as a single eligible~~ provided to appointing authorities for selection purposes. ~~A register with at least five (5) eligibles shall be adequate.~~ (7-1-98)()

~~112. USE OF OPEN COMPETITIVE REGISTER ADEQUATE REGISTERS.~~

~~In instances where recruitment is undertaken to establish an open competitive register to fill a particular position or positions, any request for a register shall automatically be considered as a request for an open competitive register until at least one position is filled from such a register. A register with at least five (5) eligibles shall be adequate. If no register exists or if there are less than five (5) eligibles, appointing authorities may:~~ (7-1-87)()

- 01. Selection From Inadequate Register.** Hire an eligible listed on an inadequate register. ()
- 02. Provisional Appointment.** Make a provisional appointment pursuant to Subsection 120.05. ()
- 03. Request Certification.** Request the administrator authorize certification from an eligibility register for a comparable class. ()
- 04. Special Request.** Request specialized recruitment. ()

(BREAK IN CONTINUITY OF SECTIONS)

~~114. USE OF NAMES FROM APPROPRIATE ELIGIBILITY REGISTERS.~~

~~In the absence of an eligibility register for a class, the administrator may authorize certification from an eligibility register for a comparable class.~~ (4-5-85)

~~1154. -- 119. (RESERVED).~~

120. APPOINTMENTS, REINSTATEMENTS, TRANSFERS, AND RESIGNATIONS.

- 01. Form.** Appointing authorities shall notify the administrator of each appointment on the prescribed form. (2-6-92)
- 02. Layoff Register.** New Appointments to a class within a department are not permissible ~~as long as~~ if there is a departmental layoff register (Subsection 101.01) for ~~the~~ that class with names of eligibles who are willing to accept employment. (4-5-85)()
- 03. Credited State Service.** Except as provided by Sections 040 and 250.02, no classified credited state service shall accrue to employees for any service under temporary, project exempt, or nonclassified appointments. (7-1-87)
- 04. Probationary Period Required.** All appointments to positions in the state classified service whenever adequate eligibility registers exist for the class shall be probationary appointments except as otherwise provided in Sections 040, and 150. (7-1-87)()
- 05. Provisional Appointment.** (7-1-93)

a. A provisional appointment may be authorized in the absence of an adequate register of eligibles. A provisional appointment will not be authorized if the announcement for the position is closed pending establishment of a register. (4-5-85)

b. In nominating a person for provisional appointment, the appointing authority shall transmit to the administrator an application for employment of the nominee. If the applicant meets the minimum qualifications established for the class, the nominee may be provisionally appointed to fill an existing vacancy in a position for no longer than thirty (30) calendar days after establishment of an adequate register. Successive provisional appointments of the same individual or successive provisional appointments to the same position shall not be permitted unless specifically authorized by the administrator. (4-5-85)

c. Provisional incumbents shall be given opportunity to take the examination for the class of position. Any provisional employee who fails to pass such an examination within certifiable range or who has an opportunity to take such an examination and has not availed himself or herself thereof shall be separated no later than thirty (30) calendar days after the establishment of an adequate register of eligibles. (4-5-85)

d. A period of provisional service immediately prior to an employee's probationary appointment from an eligibility register shall be credited to the probationary period. (Ref. Section 154) (4-5-85)

(BREAK IN CONTINUITY OF SECTIONS)

125. REINSTATEMENTS.

01. Eligibility. As determined by the administrator, Aa current or former employee shall be eligible for reinstatement to a class in which he or she held permanent status, or if deleted its successor, or to another class of equal or lower pay grade under the following conditions (salary treatment is covered by Subsection 072.05). ~~(4-5-85)~~()

a. Reinstatement ~~must occur within~~ is limited to a period equal to the length of the employee's probationary and permanent employment combined. ~~(7-1-93)~~()

b. The current or former employee must have separated from the class for which reinstatement is desired without prejudice. A former employee must also have separated from state classified service without prejudice. (4-5-85)

c. The current or former employee must meet the current minimum qualifications of the class to which reinstatement is desired. (4-5-85)

02. Reinstatement Prohibited. Reinstatement of a current or former employee is not permissible as long as there is a departmental layoff register (Subsection 101.01) for the class with names of eligibles who are willing to accept reemployment. (4-5-85)

03. Examination. The administrator may require a current or former employee to pass an examination for the class to which reinstatement is desired. (4-5-85)

04. Probationary Period. An appointing authority may negotiate for a probationary period as a condition of reinstatement except as provided in Subsection 125.05 or when hiring off a layoff register. ()

045. Return From Military Duty. An employee returning from military leave without pay (Subsection 250.05) who is relieved or discharged from military duty under conditions other than dishonorable shall be, upon application, reinstated in his or her former position, or one of comparable classification, without loss of credited state service, status, or pay as prescribed by Sections 46-216, 65-511 and 65-512, Idaho Code, or the Military Selective Service Act, Title 38, Chapter 43, U.S. Code. Application for reemployment must be made within ninety (90) calendar days after separation from military duty or from hospitalization continuing after discharge up to one (1) year.

Salary treatment is covered by Subsection 072.09. (7-10-88)

126. TRANSFERS.

01. Authority To Transfer. An appointing authority may transfer an employee at any time from one position to another in the same class. (4-5-85)

02. Transfer Within Pay Grade. An appointing authority may transfer an employee from a class in which he or she holds permanent status to another class allocated to the same pay grade for which the employee meets the minimum qualifications. (4-5-85)

03. Probationary Period. An appointing authority may negotiate with an employee for a probationary period as a condition for a voluntary transfer. (Ref. Subsection 150.02) ()

034. Limitation. Transfers shall not be used to abridge an employee's rights in reduction in force prescribed by Sections 140 through 147. (7-1-87)

045. Transfer Between Departments. An employee shall be eligible for transfer between departments in the same class in which he or she holds permanent status or to another class in the same or lower pay grade for which the employee meets the minimum qualifications. Accrued vacation and sick leave shall be transferred in accordance with Subsections 230.04 and 240.02. Salary treatment is covered by Subsection 072.04. (7-1-87)

056. Restriction. Transfer of an employee between departments is not permissible as long as there is a departmental layoff register (Subsection 101.01) for the class in the department to which transfer is desired with names of eligibles who are willing to accept reemployment. (4-5-85)

067. Examination. The administrator may require an employee transferring between classes to pass an examination for the class to which transfer is desired. (4-5-85)

(BREAK IN CONTINUITY OF SECTIONS)

142. PROCEDURE AND NOTIFICATION.

01. Identification Of Classes. The appointing authority shall identify the class(es) of position to be affected by layoff and the organizational unit if applicable under Section 140.02. (4-5-85)

02. Calculation Of Retention Points. Retention points shall be calculated for all employees assigned to the class of position including those serving in underfill positions (Ref. Subsection 010.60 or acting appointments (Ref. Section 130). Employees on approved leave of absence without pay shall not be included (Ref. Subsection 142.04). Retention points need not be calculated where layoff involves a single-incumbent class. (7-1-87)

03. Order Of Reduction In Force. The order of reduction in force shall be by type of appointment held by the employee in the affected class(es) as follows: first to be laid off are provisional appointees, next the entrance probationary appointees, and then the permanent appointees including those serving a voluntary probation. Employees shall be placed on the layoff list beginning with the employee with the highest number of retention points. Employee layoffs shall be made from the layoff list in inverse order. When two (2) or more employees have the same combined total of retention points, retention shall be determined in the following sequence: (Ref. Subsection 150.02.c.) ~~(4-5-85)~~()

a. The employee with the highest overall average performance credit (total retention points divided by total credited state service). (4-5-85)

b. Random selection. (4-5-85)

04. Employee Returning From Leave Of Absence. An employee returning from a leave of absence without pay to a class for which a layoff register exists will be laid off in accordance with these rules if there are employees on the layoff register for the class with more retention points (Ref. Subsection 142.02). (7-1-87)

05. Notification Of Affected Employees. Each employee affected shall be notified in writing of layoff and reasons therefor at least fifteen (15) calendar days prior to the effective date of the layoff. Notification shall include a copy of the departmental layoff procedure and a copy of the computation of retention points when required (Ref. Subsection 142.02). (4-5-85)

06. Notification To Administrator. The appointing authority shall give written notice of layoff to the administrator at least fifteen (15) calendar days prior to its effective date and shall provide a list of persons affected by the layoff with their retention point calculations and shall indicate which employees will be laid off. (4-5-85)

(BREAK IN CONTINUITY OF SECTIONS)

144. PLACEMENT ON LAYOFF REGISTER.

An employee who elects a voluntary demotion in lieu of layoff or an employee laid off from state service under these rules shall be placed on a layoff register (Subsection 101.01) in accordance with ~~Rule~~ Section 146 for one (1) year from the effective date of demotion or layoff, or until the employee or former employee declines three (3) separate offers of reemployment without good cause, whichever comes first. (Subsection 104.05) (7-1-87)()

145. USE OF LAYOFF REGISTER.

01. Offer Of Reemployment. An employee on a layoff register shall be offered reemployment to a position in the class from which laid off before any other person may be promoted, transferred, reinstated, or appointed, including acting appointment, to such class by the appointing authority enforcing the layoff. Appointing authorities in other departments are only required to offer an interview. (Ref. Subsection 101.01) (4-5-85)()

02. Optional Return To Layoff Register. When an employee is appointed from a layoff register, but finds the position unsatisfactory, they may resign, and request recertification to the layoff register for the remainder of their twelve (12) month eligibility period. ()

146. APPLICATION OF REEMPLOYMENT PREFERENCE.

01. Reemployment Rights. Reemployment preference from layoff registers shall be determined by retention points in rank order from highest to lowest within each of the following categories of employees (salary treatment is covered by Subsection 072.03): (4-5-85)

- a. Employees with permanent status in the class. (4-5-85)
- b. Promotional probationary employees who have permanent status in a class allocated to a lower pay grade. (4-5-85)
- c. Probationary employees without permanent status in any class. (4-5-85)

02. Exception. Employees who have neither probationary nor permanent status in a class affected by a layoff, and employees serving in limited-service appointments have no preference for reemployment, and their names shall not appear on a layoff register. (7-1-87)

147. INTERVIEWS FOR PROSPECTIVE LAYOFFS.

A department shall interview an eEmployees who has been identified on a register as likely to be affected by a layoff or as having been laid off shall be placed on a register for the class from which the layoff will occur. Departments attempting to fill such vacancies shall offer an interview to these individuals. (7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

150. PROBATIONARY PERIODS.

01. Probationary Period Required. Except as provided in Section 040, every appointment and promotion to a classified position shall be probationary, or in the absence of adequate registers, provisional. (7-1-87)

02. Types Of Probationary Periods. The probationary period serves as a working test period to provide the department an opportunity to evaluate a probationary employee's work performance and suitability for the position. There are ~~two~~ three (23) types of probationary periods: (7-1-94)()

a. Entrance probation is the probationary service required of an employee at the time of his or her original appointment or any subsequent appointment to state classified service excluding reinstatement and transfer, the duration of which shall be one thousand forty (1,040) hours of credited state service except for peace officers (defined in ~~Idaho Code~~ Section 19-5101, Idaho Code), who shall serve two thousand eighty (2,080) hours. (7-1-94)()

b. Promotional probation is the probationary service required when an employee is promoted, the duration of which shall be one thousand forty (1,040) hours of credited state service except for peace officers (defined in ~~Idaho Code~~ Section 19-5101, Idaho Code), who shall serve two thousand eighty (2,080) hours. (7-1-94)()

c. Voluntary probation is the probationary period negotiated between employees seeking transfer and/ or reinstatement and the hiring authority. The probationary period is negotiable but shall not exceed one thousand forty (1,040) hours of credited state service except for peace officers (defined in Section 19-5101, Idaho Code), who may serve up to two thousand eighty (2,080) hours. Voluntary probation agreements must be approved by the administrator and kept on file with the Division for the duration of the probationary period. ()

03. Extension Of Probationary Period. Upon petition by an appointing authority that demonstrates good cause, the administrator may extend the probationary period of an employee for an additional specified period not to exceed one thousand forty (1,040) hours of credited state service. (7-1-94)

04. Interruption Of Probationary Period. The probationary period in any class must be completed within a single department uninterrupted by resignation, termination (Ref. Subsection 152.02) or dismissal (Ref. Section 190). An employee who separated by means other than layoff during the probationary period must begin a new probationary period upon reappointment or promotion. The entrance probationary period is not interrupted by a voluntary demotion within a department. (7-1-93)

151. SATISFACTORY SERVICE.

When a probationary employee has satisfactorily served the probationary period, the appointing authority shall no later than thirty (30) calendar days after the expiration of the probationary period provide the employee and the Division of Human Resources a performance evaluation indicating satisfactory performance and shall certify the employee to permanent status. Such certification to permanent status shall be effective one thousand forty (1,040) hours of credited state service after appointment, except that it shall be effective two thousand eighty (2080) hours of credited state service after appointment for peace officer classifications unless either period has been extended pursuant to Subsection 150.03. (Ref. Section 67-5309(j), Idaho Code, and Subsection 210.04) (7-1-94)()

152. UNSATISFACTORY SERVICE.

01. Notification. Should a probationary employee fail to serve satisfactorily, the appointing authority shall no later than thirty (30) calendar days after the expiration of the probationary period provide the employee and the Division of Human Resources a performance evaluation indicating unsatisfactory performance. (Ref. Section 67-5309(j), Idaho Code and Subsection 210.04) (7-1-87)

02. During Entrance And Voluntary Probation. (7-1-87)()

a. An employee who fails to serve satisfactorily during the entrance or voluntary probation shall first be given the opportunity in writing to resign without prejudice; an employee who fails to resign may be terminated without cause assigned and without the right to file for problem-solving or an appeal. (7-1-87)()

b. Notice to the employee of termination for unsatisfactory service shall be made not later than fifteen (15) calendar days prior to the effective date of termination, unless there are extenuating circumstances. (7-1-87)

03. During Promotional Probation. *Should* If an employee on promotional probation fails to serve satisfactorily in the position to which he or she has been promoted, the employee shall be returned to a position in the class in which he or she holds permanent status or to a classification allocated to the same pay grade for which the employee meets minimum qualifications. If the employee refuses to accept the position, it shall be considered a voluntary resignation. As with all employees, a violation of Section 190 may result in disciplinary action up to and including dismissal. (4-5-85)()

(BREAK IN CONTINUITY OF SECTIONS)

170. PROMOTIONS.

01. Use Of Promotional Registers. (7-1-93)

a. Preference for Promotion. Whenever practical, a vacancy in a classified position shall be filled by the promotion of an employee in the department in which the vacancy occurs. (Ref. Section 67-5309(g), Idaho Code) (4-5-85)()

b. Exception. An appointing authority may request that a position be filled from a statewide promotional register (Subsection 101.03) or an open-competitive register (Subsection 101.04) whenever he or she determines that such an appointment will best serve the interests of the department. (Ref. Section 112) (4-5-85)

c. Layoff Registers. Promotions to a class are not permissible as long as there is a departmental layoff register (Subsection 101.01) for the class with names of eligibles who are willing to accept reemployment. (4-5-85)

02. Interdepartmental Promotions. All interdepartmental promotions shall be made using statewide promotional registers (Subsection 101.03) (7-1-87)

03. Eligibility For Promotion. Promotional candidates must have permanent status (Ref. Section 160) and must meet the minimum qualifications of the promotional class. (4-5-85)

(BREAK IN CONTINUITY OF SECTIONS)

190. DISCIPLINARY ACTIONS.

01. Cause For Disciplinary Actions. Disciplinary actions, including dismissal, suspension, demotion, or reduction in pay, may be taken against any employee in the state classified service for any of the following causes which occur during the employee's employment: (7-1-93)

a. Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes, or rules of the department or the Division of Human Resources and Personnel Commission. (7-1-87)

b. Inefficiency, incompetency, or negligence in performing duties. (4-5-85)

- c. Physical or mental incapability for performing assigned duties, if ~~no~~ a reasonable accommodation cannot be made for the disabling condition. (Ref. Subsection 010.47) ~~(4-5-85)~~(____)
- d. Refusal to accept a reasonable and proper assignment from an authorized supervisor. (4-5-85)
- e. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the department. (4-5-85)
- f. Intoxication on duty. (4-5-85)
- g. Careless, negligent, or improper use or unlawful conversion of state property, equipment, or funds. (4-5-85)
- h. Use of any influence which violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage. (4-5-85)
- i. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude. (4-5-85)
- j. Acceptance of gifts in exchange for influence or favors given in an official capacity. (4-5-85)
- k. Habitual pattern of failure to report for duty at the assigned time and place. (4-5-85)
- l. Habitual improper use of sick leave. (4-5-85)
- m. Unauthorized disclosure of confidential information from official records. (4-5-85)
- n. Absence without leave. (4-5-85)
- o. Misstatement or deception in application for employment. (4-5-85)
- p. Failure to obtain or maintain a current license or certificate lawfully required as a condition in performance of duties. (4-5-85)
- q. Prohibited participation in political activities. (Ref. Section 67-5311, Idaho Code) (4-5-85)

02. Suspension For Investigation. An appointing authority may suspend with pay an employee for investigation of disciplinary causes enumerated above. Each suspension for investigation shall be superseded by reinstatement to duty, dismissal or disciplinary suspension within thirty (30) calendar days of the suspension for investigation or within an extension of an additional thirty (30) calendar days approved by the administrator. Further extensions may be granted with the approval of the ~~Personnel Commission~~ Administrator. ~~(7-1-93)~~(____)

03. Disciplinary Suspension. An appointing authority may suspend without pay an employee for discipline for causes enumerated above. Disciplinary suspension of an employee with permanent status shall be subject to appeal by the employee to the Personnel Commission. (4-5-85)

04. Suspension On Felony Charges. An appointing authority may suspend without pay an employee upon the issuance of a complaint, an information or indictment for felony charges. Such suspensions may remain in effect during the time such charges are pending. Full reinstatement of all benefits and salary that the employee would have otherwise been entitled shall be provided by the appointing authority to the employee upon a subsequent finding that charges or information were without grounds or the employee was not found guilty. For the purpose of this rule, a judgment withheld under Rule 33(d) of the Idaho Rules of Criminal Procedure is a conviction. (7-1-87)

05. Notice To Administrator. Whenever an appointing authority considers it necessary to take disciplinary action against an employee, he or she shall notify the employee and the administrator concurrently in writing; and shall set forth the specific rule(s) violated and the reasons for the action. Suspensions with pay for investigation (Ref. Subsection 190.02) may be made without prior notice to the employee; in this case, the appointing

authority shall notify the administrator as soon as practical.

(7-1-87)

(BREAK IN CONTINUITY OF SECTIONS)

200. PROBLEM-SOLVING AND DUE PROCESS PROCEDURES.

01. Overview Of Procedures.

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a. The due process procedure deals with the disciplinary matters set forth in Idaho Code Section 67-5315(2), dismissals, suspensions without pay, and demotions, and with all involuntary transfers. The due process procedure generally requires the employee receive notice and an opportunity to respond before a disciplinary decision or involuntary transfer is made by the department. Decisions regarding disciplinary dismissals, suspensions without pay, and demotions are appealable in accordance with Section 201.

()

b. ~~The problem-solving and due process procedures are different procedures. The problem-solving procedure deals with nondisciplinary matters. Nondisciplinary matters are job-related matters other than dismissals, suspensions without pay, demotions, and involuntary transfers. The problem-solving procedure is a chain-of-command procedure, generally requiring the employee to meet with the immediate supervisor, file for problem-solving, meet with up to two (2) additional levels of management, and receive a final decision from the department head all matters not specifically reserved for the due process procedure. Problem solving decisions are not appealable to the Personnel Commission.~~

~~(7-1-98)~~()

02. Establishment Of Departmental Problem-Solving And Due Process Procedures. Each participating department shall maintain written employee problem-solving and due process procedures, which have been approved by the administrator for conformity to law and this section.

(7-1-98)

03. Eligibility And Time For Filing Under Problem-Solving Procedure. Any classified employee with permanent, provisional or entrance probationary status may file under the problem-solving procedure as defined by Section 67-5315(1), Idaho Code. An employee shall file under the problem-solving procedure in writing not later than ~~five ten~~ (510) working days after being notified or becoming aware of a nondisciplinary matter which may be handled through the problem-solving procedure; however, if the filing alleges an ongoing pattern of harassment or illegal discrimination, ~~it shall be considered timely if filed within five (5) working days after the last allegedly offensive action~~ the department is strongly encouraged to waive any time limits. (Ref. Subsection 200.05). The time limit for filing shall be extended due to the employee's illness or other approved leave, up to ~~five ten~~ (510) days after return to the job. The department may accept a filing that is or appears to be filed late, ~~though the employee waives any right of review by the Commission by not complying with the time limit for filing (ref. Section 67-5315(3), Idaho Code).~~ Department policies may provide for waiver of time elements or any intermediate step of the problem-solving procedure upon mutual agreement of the employee and appointing authority.

~~(7-1-98)~~()

04. Elements Of The Problem-Solving Procedure. The procedure shall contain a statement from the department head encouraging employees to use the procedure for any nondisciplinary, job-related matters, and encouraging the employee, supervisors, and upper-level managers and administrators to resolve the matter at the lowest management level possible within the organization. The statement shall also provide a means whereby department representatives can obtain timely authority, if needed, to resolve the matter. The procedure shall require the employee to make a reasonable attempt to discuss the issue with the immediate supervisor before filing. After a written filing is received, the procedure shall provide for ~~no more than two (2) steps with~~ such additional levels of management as are appropriate in the department. The procedure shall also provide for the use of an impartial mediator upon agreement by the employee and department. Timelines shall not exceed five (5) working days between each step. The procedure shall also inform the employee that he or she is entitled to be represented by a person of the employee's own choosing at each step of the procedure, except the initial informal discussion with the immediate supervisor. Two (2) or more employees may join in a single filing under the problem-solving procedure. Retaliation for filing under the problem-solving procedure, for participating as a witness, or representative shall be expressly prohibited. This procedure shall not apply to unsatisfactory performance during entrance probation (Ref. Sections 67-5309(j), 67-5315(1), Idaho Code; ~~HDAPA 15-04-01~~, Sections 150 through 154).

~~(7-1-98)~~()

05. Filings Alleging Sexual Harassment Or Other Illegal Discrimination. Each department's problem-solving procedure shall provide an optional alternative procedure for an employee to file allegations of sexual harassment or discrimination based on race, color, sex, national origin, religion, age, or disability. The procedure shall expressly prohibit sexual harassment and discrimination. Employees shall be informed of their right to file complaints with the Idaho Human Rights Commission. The alternative procedure shall designate a specific person or persons to receive and investigate such filings, and shall require that the investigation and resolution of them be conducted with maximum regard for confidentiality. (7-1-98)

06. Elements Of Due Process Procedure. A department must provide notice and an opportunity to respond before making a decision to impose any disciplinary sanction or involuntary transfer, as set forth in ~~Idaho Code~~ Section 67-5315(2), Idaho Code. With respect to notice, a department must provide notice of the contemplated action, the basis or reason for the contemplated action, and an explanation of the evidence supporting the contemplated action. The notice shall be provided to the employee and administrator concurrently. With respect to the opportunity to respond, the employee must be given the opportunity to respond to the notice and present reasons why the contemplated action should not be taken. The opportunity to respond shall not occur later than ten (10) working days after the employee has received notice, unless both the employee and department agree otherwise in writing. After the employee has responded, or after the period to respond has expired or has been waived in writing by the employee, whichever occurs first, the appointing authority, or designee, shall make and implement the department's decision not later than ~~three ten~~ (310) working days thereafter, excluding days the appointing authority, or designee, is out of the office. The procedure shall inform the employee of his or her right to be represented by a person of the employee's own choosing during the opportunity to respond. The procedure shall also provide for the use of an impartial mediator upon agreement by the employee and department. The procedure does not apply to unsatisfactory performance during entrance and promotional probation (Ref. Sections 67-5309(j), 67-5315(2), Idaho Code; ~~IDAPA 15.04.01~~, Sections 150 through Section 154). The due process procedure is complete when the appointing authority, or designee, mails or delivers a decision to the affected employee. The decision shall also be sent to the administrator concurrently. (7-1-98)(____)

07. Notification. A copy of the approved problem-solving and due process procedures shall be furnished and explained to each employee with permanent, provisional or entrance probationary status in the department concerned. (7-1-98)

08. Assistance To Departments. The administrator shall assist departments whenever requested in the development or revision of their departmental problem-solving and due process procedures. (7-1-98)

201. APPEAL PROCEDURE.

01. Idaho Rules Of Administrative Procedure. In addition to the following rules on appeals and petitions for review, the "Idaho Rules of Administrative Procedure of the Attorney General" on contested cases, IDAPA 04.11.01.000 et seq., apply with the following exceptions, which are inconsistent with the Commission's statute or practice: IDAPA 04.11.01.055, ~~04.11.01.151.05~~, ~~04.11.01.240~~, ~~04.11.01.250~~, ~~04.11.01.270.01~~, ~~04.11.01.280~~, ~~04.11.01.300~~, ~~04.11.01.302~~, ~~04.11.01.651~~, ~~04.11.01.720~~, ~~04.11.01.730~~, ~~04.11.01.740~~, ~~04.11.01.790~~, ~~04.11.01.791~~, ~~04.11.01.821.02~~, and ~~04.11.01.860~~. Petitions for rulemaking and declaratory rulings are addressed in Sections 270 and 271 of these rules. (7-1-94)(____)

02. Filing Of Appeal And Appearances. Every appeal filed with the Commission shall be written. The appeal shall be filed at the office of the Commission, and shall state the decision that is being appealed and the action requested of the Commission. The administrator shall serve a copy of the appeal on the respondent and upon the legal counsel for the Commission. Notices of appearance and notices of substitution of counsel need not be filed by Deputy Attorneys General or members of law firms already representing a party in an appeal or petition for review. (7-1-87)

03. Time For Appeal. An appeal from a decision of an appointing authority shall be deemed to be timely filed if received or postmarked within thirty-five (35) calendar days after completion of the departmental ~~grievance~~ due process procedure. Personal delivery or deposit in the United States mail, postage prepaid, of a written notification to the affected employee of the appointing authority's decision shall constitute completion of the departmental ~~grievance~~ due process procedure. An appeal of a decision or action of the administrator or staff must be

filed within thirty-five (35) calendar days of personal delivery of notice of the decision or action, deposit of the notice in the United States mail, postage prepaid, or deposit of the notice in Statehouse mail. (7-1-87)(____)

04. Setting Of Hearing. Within thirty (30) days after receiving the appeal from the Commission, the hearing officer shall consult with the parties to set a mutually agreeable date for hearing. The hearing officer may thereafter postpone or continue the hearing for good cause. (7-1-87)

05. Filing Of Documents. Once an appeal is referred to the hearing officer, all documents relating thereto shall be filed directly with the hearing officer during the pendency of the appeal. Copies of all documents submitted shall be provided simultaneously to opposing counsel and unrepresented parties. (7-1-87)

06. Burden Of Proof. In disciplinary actions, the appointing authority has the burden of proving cause for the discipline by a preponderance of the evidence. In all other actions, the appellant has the burden of proof by a preponderance of the evidence. (7-1-87)

07. Open Hearing. Every hearing shall be public, unless the hearing officer closes the hearing for good cause. Individual parties may be represented by themselves or by an attorney. (7-1-87)

08. Protective Orders. The hearing officer may issue protective orders limiting access to information obtained in the course of a hearing. (7-1-93)

09. Decision Of Hearing Officer. The hearing officer shall issue a decision in the form of a preliminary order pursuant to Section 67-5245, Idaho Code. The preliminary order shall explain the right to file a petition for review under Section 67-5317, Idaho Code A motion for reconsideration under Section 67-5243, Idaho Code, is not permitted. (7-1-94)

10. Procedure For Award Of Attorney Fees And Costs. If the hearing officer finds in favor of the employee in whole or in part, the hearing officer shall make a finding as to whether or not the state agency acted without a reasonable basis in fact or law. If the employee is entitled to statutory attorney fees and costs, counsel for the employee shall file a memorandum of costs, including a supporting affidavit stating the basis and method of computation of the amount claimed. The memorandum shall be filed with the hearing officer not later than ten (10) working days after receipt of the hearing officer's decision. The state agency shall then have ten (10) working days to file objections. The hearing officer shall make written findings as to the basis and reasons for the award. A copy of the memorandum of costs shall be served on the parties and filed with the Commission. (7-1-94)

11. Factors Considered In Award Of Attorney Fees And Costs. The following factors shall be considered in the determination of an award of attorney fees and costs: (12-10-90)

- a. The time and labor required; (12-10-90)
- b. The experience and ability of the attorney; (12-10-90)
- c. The prevailing charges for like work; (12-10-90)
- d. The amount involved and the results obtained; (12-10-90)
- e. Awards in similar cases; and (12-10-90)
- f. Any other factor that appears pertinent to the award. (12-10-90)

(BREAK IN CONTINUITY OF SECTIONS)

203. REFERRALS FROM FEDERAL AGENCIES ON DISCRIMINATION COMPLAINTS.

01. Referral. Upon the referral of a complaint based on alleged discrimination by a department or employee from the appropriate federal agency to the department, a departmental ~~grievance~~ procedure established for this purpose and an appeal to the hearing officer of the Idaho Personnel Commission shall constitute the “applicable internal review procedure” referred to in the applicable federal regulations. Except as modified herein, the procedures, remedies, and process under Section 200 remain intact. (7-1-87)(____)

02. Departmental Procedure. The director of the department, immediately upon receipt of the complaint, shall notify the complainant of his or her right to use the procedure set forth herein to resolve the complaint. A panel or designated person shall take testimony or written evidence regarding the complaint as is necessary to fully discuss the circumstances surrounding the alleged act of discrimination. A written report in sufficient detail to allow subsequent reviewers to understand the allegations shall be compiled from the testimony and evidence adduced at the hearing. The person or panel may make such recommendations to the director of the department as it sees fit. The department director shall receive and consider the report and issue a decision based upon it. If the resolution is satisfactory to all parties, the federal agency will be notified the complaint has been resolved and forward a copy of the decision and acquiescence of the parties to it. (7-1-87)

03. Petition To Hearing Officer. (7-1-93)

a. If the decision of the director is unacceptable to the complainant, he or she may petition for review by the hearing officer of the Idaho Personnel Commission. The petition shall state the grounds for disagreement with the director’s decision and be accompanied by a copy of the report and director’s decision. (8-1-81)

b. Oral argument on behalf of the respective parties may be offered if it is requested. The decision of the hearing officer shall be the final administrative review under the “applicable internal review procedure”. If the resolution is satisfactory to all parties, the appropriate federal agency shall be notified. If the resolution is unsatisfactory, the complaint shall be referred back to the originating federal agency for resolution. (6-30-78)

04. Time. In no event shall this process take more than sixty (60) days, except upon agreement between the parties and appropriate federal agency. (6-30-78)

(BREAK IN CONTINUITY OF SECTIONS)

210. PERFORMANCE EVALUATIONS.

01. Performance Evaluations. Each department shall adopt and maintain a system of employee performance evaluations provided it meets the basic objectives of the state’s performance evaluation system as approved by the administrator. (4-5-85)(____)

02. Approval Of Form. The Division of Human Resources’ staff shall make available a standard form for this purpose, but an appointing authority may utilize another form provided it meets the basic objectives of this rule and is approved by the administrator. (4-5-85)

03. Purpose. The purpose of performance evaluation is to provide an objective evaluation by the immediate supervisor of an employee’s performance in comparison with established work standards for the position; and to identify an employee’s strengths and weaknesses and where improvement is necessary. All ratings shall be discussed with affected employee who shall be allowed opportunity to submit written comments regarding the rating. (4-5-85)

04. Use Of Evaluations. Performance evaluations ~~shall~~ should be used in connection with promotions, transfers, demotions, retentions, separations, and reassignments (Ref. Section 67-5309(h), Idaho Code); and used as the affirmative certification for merit increases and bonuses (Ref. Section 67-5309C(b), Idaho Code); and for certifying a probationary employee to permanent status (Ref. Section 151). Other uses of performance evaluations are optional with the appointing authority. (6-11-89)(____)

05. Evaluation Schedule. All classified employees shall be evaluated after one thousand forty (1,040) hours of credited state service from the date of initial appointment or promotion and after each two thousand eighty (2,080) hours of credited state service thereafter. (Ref. Section 67-5309C(b)(ii), Idaho Code.) ~~Rating of nonclassified employees is optional with the appointing authority.~~ Part time employees shall be evaluated on an annual basis. (7-1-87)(____)

06. Retention Of Evaluation. A copy of the performance evaluation shall be retained in departmental records, and a copy shall be furnished the employee. A copy shall be provided to the administrator, with or without supporting documentation. (7-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

220. RECORDS.

01. Employee Service Records. (7-1-93)

a. For each employee in classified service, the Division of Human Resources' staff shall maintain a service record which shall include a copy of all personnel transactions pertinent to the employee's employment history. (4-5-85)

b. Service records or a ~~microfilmed~~ facsimile thereof for classified employees shall be maintained permanently by the administrator. (4-5-85)(____)

c. Any employee may at all reasonable times during business hours review his or her service record maintained in the Division of Human Resources ~~in Boise~~ or maintained in any department. Except for material used to screen and test for employment, all information maintained in an employee's service record shall be made available to the employee or designated representative upon request. File contents may be corrected if found in error according to the procedure contained in Section 9-342, Idaho Code. (12-10-90)(____)

02. Administrative Records. The administrator shall permanently maintain a record or a microfilm facsimile of the proceedings of the ~~Division of Human Resources and~~ Personnel Commission and a record of all hearings of appeals. (4-5-85)(____)

03. Employee Personnel Action Documents. The appointing authority shall furnish each employee with ~~a copy~~ notice of every personnel action affecting the employee's status, pay, tenure, or other terms and conditions of employment, including a copy of their performance evaluations. (4-5-85)(____)

04. Transfers And Promotions Between Departments. When an employee seeks a transfer or promotion between departments or agencies, the appointing authority of the hiring department or agency, or designee, shall be entitled to examine the employee's service record and current agencies performance information before the hiring decision is made. (Ref. Section 67-5309(o), Idaho Code) (7-1-98)(____)

(BREAK IN CONTINUITY OF SECTIONS)

240. SICK LEAVE.

01. Eligibility. ~~All classified employees regardless of status or whether full-time or part-time~~ Sick leave shall be earned ~~sick leave and be eligible to take sick leave~~ in accordance with Section 67-5333, Idaho Code. Sick leave shall only be taken in pay periods subsequent to being earned. (7-1-87)(____)

02. Interdepartmental Transfer. An employee who is transferred from one (1) state department to another shall be credited by the receiving department with the amount of sick leave accrued at the time of transfer.

The amount of such accrued leave shall be shown on the transaction documents separating the employee from one (1) department and appointing him or her in the other. (4-5-85)

03. Reasons For Use. Sick leave shall only be used in cases of actual illness or disability or other medical and health reasons necessitating the employee's absence from work, or in situations where the employee's personal attendance is required or desired because of serious illness, disability, or death and funeral in the family. For purposes of this rule, family means a spouse, child, parent, brother, sister, grandparent, grandchild, or the same relation by marriage. (7-1-96)L

04. Medical, Dental, Or Optical Appointments (MDA). ~~An~~ Employees shall be are allowed up to two (2) hours for each occasional appointment without charge to sick leave for personal or family-member medical, dental or optical examination or treatment. ~~An appointing authority may limit the frequency that this rule may be used by an employee.~~ Occasional appointments are those which are traditionally considered to be preventative, wellness related, or diagnostic. Ongoing treatment for physical or mental illness is not covered by MDA. Use of this benefit may be limited by the appointing authority on a case by case basis where misuse is suspected. If more than two (2) hours are needed for appointments additional time may be charged to sick leave. (4-5-85)()

05. Serious Medical Conditions. Sick leave may be used in conjunction with Family and Medical Leave. (Ref. Section 242) ()

056. Notification. It is the responsibility of the employee to notify his or her supervisor as soon as possible in the event of sickness or injury which prevents the employee from reporting for duty. (4-5-85)

241. WORKERS COMPENSATION AND DISABILITY.

01. Use Of Leave In A Workers Compensation Claim. In the event of a disability incurred on the job covered by workers compensation, the employee shall be given the choice of either: 1) leave of absence without pay while receiving workers compensation; or 2) utilizing a portion of accrued sick leave to supplement workers compensation to maintain his or her regular salary. No appointing authority may require an employee to accept sick leave, vacation leave, or compensatory time off for overtime in lieu of workers compensation provided by law. Additionally, an employee may not waive his or her rights to workers compensation and cannot accept earned leave or other benefits in lieu thereof. (4-5-85)

02. Layoff After Six Months' Disability. If the employee becomes disabled, whether or not due to a workers compensation injury, and is unable to return to work after six (6) months' absence or when accrued sick leave has been exhausted, whichever is longer, the employee's position shall be declared vacant, ~~and the employee's name placed on a departmental layoff register~~ (Ref. Subsection 101.01) The period of absence is not interrupted by the employee's full return to work for less than two (2) consecutive work weeks. Return to work as part of a rehabilitation program does not interrupt the calculation of the period of absence. (7-1-93)()

a. The disabled employee's retention points need not be calculated unless there are other employees on the departmental layoff register in the same class. The employee shall be entitled to reemployment preference pursuant to Sections 145 and 146 and reinstatement privileges provided under Section 125 when released by his or her physician to return to work. (12-10-90)

b. The disabled employee's name shall ~~not~~ be certified ~~from the~~ to a layoff register ~~until~~ when the administrator has been notified by the physician that the employee is able to return to work. Conditional releases will be considered in accordance with the Americans with Disabilities Act. (4-5-85)()

243. FAMILY AND MEDICAL LEAVE.

01. Applicability. The provisions of the federal Family and Medical Leave Act shall apply without regard to the exclusion for worksites employing less than fifty (50) employees in a seventy-five (75) mile area, and without the limitation on reinstatement of the highest-paid employees. (Ref. 29 U.S.C. 2601 et seq.). (7-1-94)

02. Return To Work Release. An ~~employee shall provide~~ appointing authority may request a return to work release if, due to the nature of the health condition and the job: (7-1-94)()

- a. Light duty work or other accommodation is requested; or (7-1-94)
- b. The agency, having a reasonable basis in fact to do so, requires assurance that returning to work would not create a significant risk of substantial harm to the employee or others. (7-1-94)

2423. MATERNITY AND PATERNITY LEAVE.

01. Use Of Sick Leave. Disabilities caused or contributed to by pregnancy, child birth or related medical conditions are considered temporary disabilities and shall be treated as such for sick leave purposes. Maternity and paternity leave shall be granted under the same conditions and requirements as other compensable and non-compensable leave under these rules. (4-5-85)()

02. Determination Of Disability Period. The employee's physician shall be considered the sole authority in determining the disability period insofar as compensable sick leave is concerned. (4-5-85)

03. Additional Time Off. Maternity and paternity leave preceding and following the time that the employee is disabled shall be leave without pay unless the employee elects to use accrued vacation leave, earned administrative leave or compensatory time off for overtime. (4-5-85)()

04. ~~Right To Continue Working~~ Discrimination Prohibited. Pregnancy discrimination is prohibited. The employee may continue to work as long as she is physically capable of performing the duties of her position and may return to work as soon as she is physically able as determined by her physician. (4-5-85)()

05. Adoption and Foster Care. Leave will be granted for adoption and foster care as set forth in the Family and Medical Leave Act. (Ref. Section 242) ()

244. SEPARATION UPON FAILURE TO RETURN TO WORK.

Except for those employees on authorized leave or placed on a layoff register as prescribed by Subsection 241.02, an employee who has not returned to work after release by his or her physician shall be considered as having resigned. Such separation shall be treated as a voluntary resignation, and the employee shall remain eligible for reinstatement as provided under Section 125. (4-5-85)()

(BREAK IN CONTINUITY OF SECTIONS)

250. SPECIAL LEAVES.

01. Leave Of Absence Without Pay. (7-1-93)

a. Approval. An employee may, at the discretion of the appointing authority, be granted leave without pay for a specified length of time when such leave would not have an adverse effect upon the department. The request for leave must be in writing and must establish reasonable justification for approval. (4-5-85)

b. Reemployment. The appointing authority approving the leave of absence assumes full responsibility for returning the employee to the same position or to another position in a classification allocated to the same pay grade for which the employee meets minimum qualifications. (7-1-87)

c. Exhaustion of Accrued Leave. Whether the employee is required to exhaust accrued vacation leave, earned administrative leave or compensatory time off for overtime before commencing leave is the appointing authority's option. (7-1-87)

d. Resignation. If vacation leave, earned administrative leave and compensatory time off for overtime are not exhausted and the employee resigns from state service while on leave, he or she shall be paid for such accruals in accordance with Sections 67-5337 and 67-5329(3), Idaho Code. (7-1-87)

02. Leave Of Absence To Assume A Nonclassified Position. (7-1-93)

a. Approval. A leave of absence without pay may be granted to a classified employee to assume a nonclassified position in state service. Such leave of absence shall not extend beyond the time the employee would be eligible for reinstatement to classified service. (Ref. Subsection 125.01.a.) (7-1-87)

b. Credited State Service. An employee returning from a leave of absence granted to assume a nonclassified position shall be allowed classified credited state service for the leave in the class from which he or she was granted the leave of absence. Credit shall not exceed time limits established above. (4-5-85)

03. Leave Defaults. When an employee does not have accrued sick or vacation leave to cover an entire absence that is attributed to sick or vacation leave, respectively, the following leave types shall be used to the extent necessary to avoid leave without pay: accrued compensatory time; earned administrative leave; vacation. (7-1-87)

04. Military Leave With Pay. Employees who are members of the national guard or reservists in the armed forces of the United States who are directed by proper military authority to participate in ordered and authorized field training under the National Defense Act shall receive military leave with pay for a maximum fifteen (15) working days in any one (1) calendar year. Such leave is exclusive of vacation and sick leave and compensatory time off for overtime. (Ref. Section 46-216, Idaho Code). (4-5-85)

05. Military Leave Without Pay. An employee whose employment is reasonably expected to continue indefinitely, and who leaves his or her position either voluntarily or involuntarily in order to perform active military duty, has reemployment rights as defined in Subsection 125.04. The employee shall either be separated from state service or placed in "inactive" status, at the option of the appointing authority. (12-10-90)

06. Administrative Leave With Pay. At the discretion of the appointing authority, an employee may be granted administrative leave with pay when such leave is in the best interest of the department. (4-5-85)

07. Earned Administrative Leave. (7-1-93)

a. Authority for Use. In any week that an employee would be compensated an amount greater than forty (40) hours times the employee's regular rate of pay, an appointing authority may allow the employee to accumulate earned administrative leave to the extent necessary to reduce the cash compensation to forty (40) hours. An appointing authority may allow a part-time employee to accumulate earned administrative leave for the hours worked between the regularly-scheduled hours and forty (40) hours. Earned administrative leave shall be calculated based on one hundred sixty (160) hours for police, correctional officers, and fire employees pursuant to Subsection 073.02. (7-1-87)(____)

b. Ineligible Employees. Employees who are ineligible for cash compensation and compensatory time for overtime work are ineligible for earned administrative leave. (Ref. Section 67-5329(1), Idaho Code). (12-10-90)

c. Payment and Credited State Service. Earned administrative leave (EAL) balances shall be paid upon transfer or separation. ~~When taken, hours of EAL shall accrue credited state service, as well as sick and vacation leave when worked.~~ (7-1-87)(____)

08. Court And Jury Services And Problem-Solving And Due Process Leave. (7-1-98)

a. Connected with Official State Duty. When an employee is subpoenaed or required to appear as a witness in any judicial or administrative proceeding in any capacity connected with official state duty, he or she shall not be considered absent from duty. The employee shall not be entitled to receive compensation from the court. Expenses (mileage, lodging, meals, and miscellaneous expenses) incurred by the employee shall be reimbursed by his or her respective department in accordance with state travel regulations. (12-10-90)

b. Private Proceedings. When an employee is required to appear as a witness or a party in any proceeding not connected with official state duty, the employee shall be permitted to attend. ~~Department policy shall determine whether~~ The employee is required to ~~may~~ use accrued leave or leave without pay. (12-10-90)(____)

c. **Jury Service.** When an employee is summoned by proper judicial authority to serve on a jury, he or she shall be granted a leave of absence with pay for the time which otherwise the employee would have worked. The employee shall be entitled to keep fees and mileage reimbursement paid by the court in addition to salary. Expenses in connection with this duty are not subject to reimbursement by the state. (7-1-87)

d. **Problem-solving and due process procedures.** Any employee who has been requested to serve as a mediator as provided by a departmental problem-solving or due process procedure or to appear as a witness or representative during such a proceeding shall be granted leave with pay, without charge to vacation leave or compensatory time off for overtime, to perform those duties. (7-1-98)

e. **Notification.** An employee summoned for court and jury service or requested to serve as a grievance panelist, witness, or representative shall notify his or her supervisor as soon as possible to obtain authorization for leave of absence. (7-1-87)

09. Election Leave. When requested by an employee, an appointing authority shall grant leave with pay, without charge to vacation leave or compensatory time off for overtime, for voting in primary, general, municipal, school, or special elections in those instances where the employee's work would interfere with his or her being able to vote. (4-5-85)

10. Religious Leave. Appointing authorities shall make reasonable accommodations to an employee's need for leave for religious observances. Such leave shall be charged to the employee's accrued vacation leave or compensatory time off for overtime. (4-5-85)

11. Leave During Facility Closure Or Inaccessibility. (7-1-93)

a. **Authorization.** When a state facility is closed or declared inaccessible because of severe weather, civil disturbances, loss of utilities or other disruptions, affected employees shall be authorized administrative leave with pay (Ref. Subsection 250.06) to cover their scheduled hours of work during the closure or inaccessibility. (4-5-85)

b. **Compensation for extra hours worked.** An employee who works at a state facility during declared closure or inaccessibility shall be, in addition to regular salary, granted time off equal to the number of hours worked. If overtime is involved, it shall be compensated as provided by Section 67-5329, Idaho Code. (4-5-85)

c. **Early release.** When a severe storm occurs during the day, and the appointing authority or designated representative authorizes early release of employees, the resulting time off shall be charged to administrative leave with pay. (Ref. Subsection 250.06) (4-5-85)

12. Red Cross Disaster Services Leave. Employees who have been certified by the American Red Cross as disaster service volunteers shall be granted up to one hundred twenty (120) hours of paid leave in any twelve (12) month period to participate in relief services pursuant to Section 67-5338, Idaho Code. ()

13. Employee Assistance Program Leave. Up to two (2) hours per visit shall be granted for utilization of the Employee Assistance Program (EAP) during normal working hours. This leave is limited to the number of free program visits provided in the state's Behavioral Health Program. EAP leave shall be coded as MDA. (Ref. Subsection 240.04). ()

(BREAK IN CONTINUITY OF SECTIONS)

260. OVERTIME.

01. Employing Agencies. The state is considered as one (1) employer for determining the number of hours an employee works. If an employee works for more than one (1) department, the department(s) employing the

employee when the overtime occurs shall be liable for compensatory time off or cash compensation as provided by law. (7-1-87)

02. Compensation For Overtime. Overtime accrual and compensation for classified employees is covered by Sections 67-5329 and 67-5330, Idaho Code, and Section 59-1607 for nonclassified employees. Overtime is defined in Section 67-5302(19), Idaho Code. (7-1-87)

03. Modification Of Workweek Or Schedule. No department shall alter a previously established work week for the purpose of avoiding overtime compensation. A department may modify the employee's regular schedule of work to avoid or minimize overtime. (7-1-87)

~~**04. Ineligible Employees.** In addition to those classified employees ineligible for cash compensation or compensatory time for overtime defined in Section 67-5329(1), Idaho Code, the following classified employees are also ineligible:~~ (4-5-85)

- ~~a. Deputy Directors. A deputy or assistant department director or equivalent. (4-5-85)~~
- ~~b. Division Administrators. A deputy or assistant division administrator or equivalent. (4-5-85)~~

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Bulletin Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701-0790

Docket No. **02-0301-0001**, Rules Pertaining to Idaho Commercial Fertilizer Law. Repeal of chapter. Comment By: 10/25/00.

Docket No. **02-0303-0001**, Rules Governing Pesticide and Chemigation Use and Application. Adds required section and deletes obsolete one; defines record keeping and licensing requirements for dealers providing consistency with FIFRA; clarifies required worker protection standard records; imposes temperature restrictions on phenoxy herbicide; clarifies restrictions to protect pollinators in crops with blooming weeds; increases pesticide registration fees. Comment By: 10/25/00.

Docket No. **03-0403-0001**, Rules Governing Animal Industry. Specifies testing, identification and certification requirements, relative to tuberculosis, for entry of cattle, bison and domestic cervidae into Idaho; defines Chronic Wasting Disease (CWD); relative to CWD, provides requirements for importation of domestic cervidae, specifies approved tests, provides for surveillance, quarantine and management of herds, provides for qualification and certification of herds and for condemnation and depopulation of CWD infected and exposed animals and herds. Comment By: 10/25/00.

Docket No. **02-0415-0001**, Rules Governing Beef Cattle Animal Feeding Operations. Regulates the design, construction and management practices for wastewater storage and containment facilities, and nutrient management practices on beef cattle animal feeding operations; requires new feeding operations to have an approved nutrient management plan before beginning operations; requires existing feeding operations to submit a nutrient management plan to the Director of the Dept. of Agriculture by 1/1/05; provides for inspections of feeding operations and for penalties for violations. Comment By: 10/25/00.

Docket No. **02-0612-0001**, Quarantine Order No. 8-1962 Pertaining to European Pine Shoot Moth. Repeal of chapter. Comment By: 10/25/00.

Docket No. **02-0612-0002**, Idaho State Department of Agriculture Rules Pertaining to the Idaho Fertilizer Law. Prescribes definitions not covered by law; incorporates by reference certain manuals; requires registration and lists guarantees covering nutrients other than nitrogen, phosphate, and potash; describes required warning statements; prescribes proper labeling, labeling of slow release nutrients, use of investigational allowances, sampling, and guarantees concerning organic nitrogen. Comment By: 10/25/00.

Docket No. **02-0622-0001**, Noxious Weed Rules. Designates Eurasian watermilfoil as a noxious weed; adds required Sections. Comment By: 10/25/00.

IDAPA 07 – DIVISION OF BUILDING SAFETY PO Box 83720, Boise, ID 83720

Docket No. **07-0104-0001**, Rules Governing Electrical Specialty Licensing. Authority to grant waivers to qualifying applicants is being delegated to the staff. Comment By: 10/25/00.

Docket No. **07-0109-0001**, Rules Governing Readoption of Rules of Electrical Division. Repeal of chapter. Comment By: 10/25/00.

**IDAPA 08 – DEPARTMENT OF EDUCATION/BOARD OF EDUCATION
PO Box 83720, Boise, ID 83720-0037**

Docket No. **08-0102-0001**, Personnel Rules of the State Board of Education. Repeal of chapter. Comment By: 10/25/00.

Docket No. **08-0103-0001**, Financial Affairs of the State Board of Education. Repeal of chapter. Comment By: 10/25/00.

Docket No. **08-0104-0001**, Rules Governing Residency Classification. For tuition purposes, a person separated under honorable conditions from the U.S. Coast Guard who designates Idaho as his intended domicile is considered an Idaho resident. Comment By: 10/25/00.

Docket No. **08-0109-0001**, Intellectual Property and Conflict of Interest. Repeal of chapter. Comment By: 10/25/00.

Docket No. **08-0202-0001**, Rules Governing Uniformity. Incorporates by reference the 2001 version of the Idaho Department of Education Professional School Personnel Certification Standards Manual. Comment By: 10/25/00.

Docket No. **08-0202-0002**, Rules Governing Uniformity. Changes the official vehicle for the approval of teacher education programs to the National Council for Accreditation of Teacher Education (NCATE) approved Idaho Standards for Initial Certification of School Personnel. Comment By: 10/25/00.

Docket No. **08-0203-0002**, Rules Governing Thoroughness. Changes the name from “exiting” to “achievement” standards; incorporates by reference the K-8 Achievement Standards. Comment By: 10/25/00.

**IDAPA 11 – IDAHO STATE POLICE
PO Box 700, Meridian, ID 83680-0700**

Docket No. **11-1002-0001**, Rules Establishing Fees for Services – Idaho Criminal Justice Information System. Corrects the statutory authority citation; increases the name check fee. Comment By: 10/25/00.

Docket No. **11-1102-0001**, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers. Establishes minimum standards for employment and certification of juvenile detention officers. Comment By: 10/25/00.

**IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME
PO Box 25, Boise, ID 83707**

Docket No. **13-0104-0001**, Rules Governing Licenses. Adds required sections to the rule; removes obsolete rules; allow residents to purchase unsold nonresident tags as allowed by statutory amendment. Comment By: 10/25/00.

Docket No. **13-0104-0002**, Rules Governing Licenses. Authorizes license and tag refunds or exchanges for fire closure. Comment By: 10/25/00.

Docket No. **13-0108-0001**, Rules Governing the Taking of Big Game Animals in the State of Idaho. Amends methods of take, hunting boundaries, and controlled hunt descriptions for 2000 seasons; allows sales of leftover controlled hunt tags; creates a new nonresident deer, bear, or mountain lion tag. Comment By: 10/25/00.

Docket No. **13-0109-0001**, Rules Governing the Taking of Game Birds in the State of Idaho. Adds required sections; removes obsolete rules; makes corrections after statutory amendment. Comment By: 10/25/00.

Docket No. **13-0111-0001**, Rules Governing Fish. Adds required sections; biannual update of fishing seasons, bag limits, and possession limits; removes obsolete rules. Comment By: 10/25/00.

Docket No. **13-0115-0001**, Rules Governing the Use of Dogs. Adds required sections; increases number of nonresident permits to encourage hunting in certain areas; clarifies requirements for a hunting license and hound

hunter permit. Comment By: 10/25/00.

Docket No. **13-0116-0001**, Rules Governing the Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. Adds required sections and biennial update for setting seasons, bag, and possession limits; removes obsolete rules. Comment By: 10/25/00

Docket No. **13-0117-0001**, Rules Governing the Use of Bait for Taking Big Game Animals. Clarifies restrictions on locating bear bait near water. Comment By: 10/25/00.

Docket No. **13-0119-0001**, Rules Governing Operating, Discontinuing, and Suspending Vendors. Adds required sections; corrects obsolete language regarding military personnel obtaining resident licenses and tags. Comment By: 10/25/00.

**IDAPA 15 – OFFICE OF THE GOVERNOR - IDAHO COMMISSION ON AGING
PO Box 83720, Boise, ID 83720-0007**

Docket No. **15-0101-0002**, Rules Governing Senior Services Program. Changes definition of Case Manager to allow for a degree or equivalent and definition of Case Management to include disabled adults; deletes definition of PCS and adds definition of Medicaid HCBS Services; adds section pertaining to the conduct of in-home service workers. Comment By: 10/25/00.

Docket No. **15-0102-9902**, Rules Governing Area Agency Adult Protection Programs. Clarifies resident-to-resident abuse investigations. Comment By: 10/25/00.

Docket No. **15-0102-0001**, Rules Governing Area Agency Adult Protection Programs. Adds definition for “serious physical injury”. Comment By: 10/25/00.

Docket No. **15-0120-0001**, Rules Governing Area Agency on Aging (AAA) Operations. Changes due date for area plans and plan amendments; removes unnecessary language. Comment By: 10/25/00.

**15 – DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION
PO Box 83720, Boise, ID 83720-0066**

Docket No. **15-0401-0001**, Rules of the Division of Human Resources and Personnel Commission. Changes conform to statutory changes; adds definitions of “earned administrative leave” and “involuntary transfer”; clarifies veterans preference; adds voluntary probation period for certain transfers and reinstatements; clarifies use of leave for medical or optical appointments and for use of Employee Assistance Program; clarifies and makes changes in deadlines for problem-solving procedure and for enhancing consistency of performance evaluation system. Comment By: 10/25/00.

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036**

Docket No. **16-0203-0001**, Rules Governing Emergency Medical Services. Updates the Incorporation by Reference; adds pediatric emergency medicine representative to EMS Advisory Committee; changes office address. Comment By: 10/25/00.

Docket No. **16-0301-0002**, Rules Governing Eligibility for Medicaid for Families and Children. Reinstates a methodology for income eligibility in which income is converted to a monthly amount and prospective budgeting is used for determining eligibility for future months. Comment By: 10/25/00.

Docket No. **16-0304-0001**, Rules Governing the Food Stamp Program in Idaho. Changes gross and net income limits, maximum monthly allotments, and Standard Utility Allowance (SUA). Comment By: 10/25/00.

Docket No. **16-0305-0002**, Rules Governing Eligibility for Aid to Aged, Blind, and Disabled. Counts a veteran's aid, attendance, and unusual medical expense payments from the VA as income in computing the participant's share in the cost of his nursing home care or HCBS. Comment By: 10/25/00.

Docket No. **16-0309-0008**, Rules Governing the Medical Assistance Program in Idaho. Deletes text referencing the maintenance of a mailing list for Medical Assistance manual updates and adds the reference for Internet access.

Comment By: 10/25/00.

Docket No. **16-0309-0009**, Medical Assistance. Conforms to HB 797 by reducing the number of unauthorized visits for Physical Therapy to 25 per calendar year and requires authorization for any visits over 25 by the Department; changes technical terminology. Comment By: 10/25/00.

Docket No. **16-0309-0010**, Medical Assistance. Implements SB 1365 by requiring that all PCS and Attendant providers be employees of an agency; modifies CNA requirements to allow other training; PCS supervision by MD and RN expanded; makes numerous technical changes to standardize terminology. Comment By: 10/25/00.

Docket No. **16-0309-0011**, Medical Assistance. Implements SB 1530 by limiting reimbursement for commercial and non-commercial transportation providers for Medicaid clients when the vehicle contains five or more clients; provides for a waiver based on undue hardship; declares an emergency; provides a sunset clause of 6/20/01; discontinues payment to non-commercial providers for unloaded miles; sets reimbursement rate per mile per passenger at \$.33 cents for up to five passengers per vehicle. Comment By: 10/25/00.

Docket No. **16-0309-0012**, Medical Assistance. Generic drugs will be dispensed by the pharmacy unless prior authorized by the Department; technical changes clarify language. Comment By: 10/25/00.

Docket No. **16-0314-0001**, Rules Governing Hospitals in the State of Idaho. Revises requirement, that prescribers be physically present within 24 hours to sign an order, to allow for greater flexibility. Comment By: 10/25/00.

Docket No. **16-0410-0001**, Rules Governing Community Services Block Grant Program. Repeal of chapter. Comment By: 10/25/00.

Docket No. **16-0410-0002**, Rules Governing Community Services Block Grant Program. Rewrite complies with federal law changes in the 1998 Federal Community Services Block Grant Re-authorization. Comment By: 10/25/00.

Docket No. **16-0414-0001**, Rules Governing the Low Income Home Energy Assistance Program. Adds "catastrophic illness costs" to program eligibility criteria; revises formula for computing program benefits. Comment By: 10/25/00.

Docket No. **16-0503-0001**, Rules Governing Contested Cases Proceedings and Declaratory Rulings. Repeal of chapter. Comment By: 10/25/00.

Docket No. **16-0503-0002**, Rules Governing Contested Cases Proceedings and Declaratory Rulings. Rewrite of chapter simplifies and streamlines the hearing process; corrects program references. Comment By: 10/25/00.

**IDAPA 17 – IDAHO INDUSTRIAL COMMISSION
PO Box 83720, Boise, ID 83720-0041**

Docket No. **17-0405-0001**, Accreditation of Asbestos Professionals Employed in School Projects. Repeal of chapter. Comment By: 10/25/00.

Docket No. **17-0701-0001**, Safety Rules for Elevators and Escalators-General Requirements. Updates state's safety standards for elevators, escalators, and moving walkways to comply with changes in the national elevator standards which are adopted by reference. Comment By: 10/25/00.

Docket No. **17-0702-0001**, Safety Standards for Construction and Operation of Elevators-Administration. Repeal of chapter. Comment By: 10/25/00.

Docket No. **17-0703-0001**, Safety Rules for Elevators and Escalators-Inspections. Repeal of chapter. Comment By: 10/25/00.

Docket No. **17-0704-0001**, Safety Rules for Elevators and Escalators-Construction, Repairs, Alterations, or Dismantling. Repeal of chapter. Comment By: 10/25/00.

**IDAPA 18 – DEPARTMENT OF INSURANCE
PO Box 83720, Boise, ID 83720-0043**

Docket No. **18-0130-0001**, Individual Accident and Sickness Disability Insurance Minimum Standards Act. Sets forth prohibited policy provisions, minimum standards for benefits, disclosure requirements, and replacement requirements for various types of individual disability insurance policies and group supplemental disability insurance policies sold in Idaho. Comment By: 10/25/00.

Docket No. **18-0130-0002**, Individual Accident and Sickness Disability Insurance Minimum Standards Act. Repeal of chapter. Comment By: 10/25/00.

Docket No. **18-0144-0001**, Schedule of Fees, Licenses, and Miscellaneous Charges. Payor must request in writing overpayments in excess of \$200; extraordinary exam costs will not be considered part of the continuation fee and director may pass them on to a company; a continuation fee will be imposed on domestic risk retention groups only; continuation fee for purchasing groups will be \$100. Comment By: 10/25/00.

Docket No. **18-0160-0001**, Long-Term Care Insurance Minimum Standards. Adds requirements for disclosure to consumers by long-term care insurance sellers of rating practices, including rate increase history; sets forth information to be included in disclosures to consumers and requires signed acknowledgement by consumer; amends loss ratio standards; sets forth additional filing requirements; adds standards governing premium rates and rate increases; provides for reimbursement of unnecessary rate increases; sets forth requirements for actuarial certifications. Comment By: 10/25/00.

**IDAPA 21 – DIVISION OF VETERANS SERVICES
320 Collins Road, Boise, ID 83702**

Docket No. **21-0101-0001**, Rules Governing Eligibility for Admission, Residency, and Maintenance Charges in Idaho

State Veterans Homes - Domiciliary Care. Repeal of chapter. Comment By: 10/25/00.

Docket No. **21-0101-0002**, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure. Rewrite conforms to amendments to state law and complies with federal regulations regarding veterans affairs and includes provisions for the Division's administrative procedures and contested cases. Comment By: 10/25/00.

Docket No. **21-0102-0001**, Rules Governing Eligibility for Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes – Residential Care. Repeal of chapter. Comment By: 10/25/00.

Docket No. **21-0102-0002**, Rules Governing Emergency Relief for Veterans. Rewrite of chapter provides for accepting, evaluating, granting, and denying requests for emergency relief and provisions related to Veterans Service Officers. Comment By: 10/25/00.

Docket No. **21-0103-0001**, Rules Governing Eligibility for Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes – Nursing Care. Repeal of chapter. Comment By: 10/25/00.

Docket No. **21-0103-0002**, Rules Governing Medicaid Qualified Units in Idaho State Veterans Homes. Changes conform to state law requiring the Idaho State Veterans Homes to become Medicaid-certified. Comment By: 10/25/00.

Docket No. **21-0104-0001**, Rules Governing Emergency Relief for Veterans. Repeal of chapter. Comment By: 10/25/00.

**IDAPA 22 – IDAHO STATE BOARD OF MEDICINE
PO Box 83720, Boise, ID 83720-0058**

Docket No. **22-0101-0001**, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery. Changes remove standard of care violation that define sexual relations with patients; adds rule relating to physical or mental illness to comply with ADA requirements; allows for 2 year licensure instead of annual license issue and renewal; removes obsolete language and changes interview language. Comment By: 10/25/00.

IDAPA 23 – IDAHO STATE BOARD OF NURSING

PO Box 83720, Boise, ID 83720-0061

Docket No. **23-0101-0001**, Rules of the Idaho Board of Nursing. Clarifies rules for temporary licensure, license renewal and reinstatement, graduates of nursing schools located outside the United States or its territories, and apprentices and others exempted from licensure by the Board; changes fees and adds provision for a returned check fee; creates framework for issuance of licenses and wallet certificates; clarifies that, with the exception of advanced practice professional nurses, one individual may hold only one license at any time; removes obsolete rules. Comment By: 10/25/00.

**IDAPA 24 – BUREAU OF OCCUPATIONAL LICENCES
1109 Main Street, Suite 220, Boise, ID 83702**

Docket No. **24-0101-0001**, Rules of the Board of Architectural Examiners. Adds required sections; changes application photograph size; adopts qualifications outlined in 2000-2001 NCARB Handbook for Interns and Architects; establishes exam qualifications based on experience in lieu of architectural degree. Comment By: 10/25/00.

Docket No. **24-0301-0001**, Rules of the State Board of Chiropractic Physicians. Changes peer review compensation schedule from number of document pages to dollar amount of claim. Comment By: 10/25/00.

Docket No. **24-0401-0001**, Rules of the Idaho Board of Cosmetology. Waives 30 day application deadline for applicants who fail examination on the first attempt; provides for nail technology and esthetics instructors; allows instructor applicants who fail examination on the first attempt to re-examine without additional training. Comment By: 10/25/00.

Docket No. **24-0401-0002**, Rules of the Idaho Board of Cosmetology. Clarifies definitions and changes terminology; separates esthetics from electrolysis; clarifies action resulting from student loan default; clarifies endorsement requirements; requires jurisprudence exam for endorsement applicants; eliminates work permits; changes reference to education requirement; clarifies application requirement; clarifies electrolysis instruction hour requirements; increases esthetics and nail technology instruction hour requirements; allows applicants who fail exam on first attempt to re-examine without additional training; specifies uses of human models and mannequins during exam; deletes monthly requirement for student records, and outlines requirements; defines attendance policy and student probationary period; clarifies student records and instructor training requirements. Comment By: 10/25/00.

Docket No. **24-0501-0001**, Rules of the Board of Environmental Health Specialist Examiners. Sets original license fee and a trainee certificate fee; deletes redundancy in reexamination fee and references to certificate fee. Comment By: 10/25/00.

Docket No. **24-1001-0001**, Rules of the State Board of Optometry. Updates exam requirements; gives board discretion to require exam for reinstatement of license canceled over 5 years; adds certificate to obtain and use pharmaceutical agents fee; updates name of national organization administering the exam. Comment By: 10/25/00.

Docket No. **24-1501-0001**, Rules of the Idaho Counselor Licensing Board. Modifies the supervised experience requirements; changes required credentials of those seeking to provide qualified counseling supervision; adds definition of direct client contact; and replaces Board's scope of practice letter with a rule requiring counselors to practice only within the boundaries of their competence. Comment By: 10/25/00.

Docket No. **24-1701-0001**, Rules of the State Board of Acupuncture. Clarifies and adds definitions and removes obsolete references; defines requirements for and establishes fee for licensure, certification, and technician; adds to inactive license or certification fee; includes expiration and reinstatement for certificates and process; adds certification under scope of practice; extends change of business notice provision. Comment By: 10/25/00.

Docket No. **24-1801-0001**, Rules of the Real Estate Appraiser Board. Increases fees for application for qualification, reciprocity application, original certification/license, original certification/license via reciprocity; and annual renewal fee. Comment By: 10/25/00.

**IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION
2103 Lanark, Meridian, ID 83642**

Docket No. **26-0120-0001**, Rules Governing the Administration of Park and Recreation Areas and Facilities.

Regulates operation of vehicles within state parks; prohibits interfering with state park employees duties; makes park facilities smoke free; defines liquid waste as it relates to camping; includes current Fish & Game rules on bag/creel limits. Comment By: 10/25/00.

Docket No. **26-0130-0001**, Idaho Safe Boating Rules. Specifies that persons on personal watercraft and being towed by boats must wear a personal flotation device to be considered having it readily available. Comment By: 10/25/00.

**IDAPA 27 – IDAHO BOARD OF PHARMACY
PO Box 83720, Boise, ID 83720-0067**

Docket No. **27-0101-0002**, Rules of the Idaho Board of Pharmacy. Allows transfer of prescriptions via facsimile; removes requirement for placing transfer information on original prescription for pharmacies that maintain the same information in a computer prescription database. Comment By: 10/25/00.

Docket No. **27-0101-0003**, Rules of the Idaho Board of Pharmacy. Adds the substance carisoprodol to the list of Schedule IV controlled substances. Comment By: 10/25/00.

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION
PO Box 83720, Boise, ID 83720-0074**

Docket No. **31-0101-0001**, Rules of Procedure of the Idaho Public Utilities Commission. Recodifies an omitted section regarding withdrawal of pleadings. Comment By: 10/25/00.

Docket No. **31-1101-0001**, Safety and Accident Reporting Rules for Utilities Regulated by Idaho Public Utilities Commission. Updates documents incorporated by reference. Comment By: 10/25/00.

Docket No. **31-2101-0001**, The Utility Customer Relations Rules. Eliminates “guarantees” in lieu of service deposits; requires that bills be issued monthly and that utilities list their mailing addresses and toll-free telephone numbers on bills; prohibits billing for services or merchandise not ordered or authorized by consumer and specifies how partial payments are to be applied to bills; notice procedures for terminating service are clarified and simplified; eliminates reporting requirements of terminated service during winter months; allows utilities to collect reasonable deposits rather than two months’ usage as a minimum threshold billing; requires utilities to respond within 10 business days to a customer’s informal complaint. Comment By: 10/25/00.

Docket No. **31-4101-0001**, The Telephone Customer Relations Rules. Allows deposits to be credited to a customer’s account or refunded to customer; simplifies procedures for terminating telephone service; eliminates the termination of local exchange service for unexplained or large long-distance usage; reduces time telephone records are retained to 2 years; deletes obsolete references. Comment By: 10/25/00.

**IDAPA 33 – IDAHO REAL ESTATE COMMISSION
PO Box 83720, Boise, ID 83720**

Docket No. **33-0101-0003**, Rules of the Idaho Real Estate Commission. Identification numbers assigned or approved by Commission will constitute user’s signature when transmitted as part of an electronic record in the course of business with the commission. Comment By: 10/25/00.

Docket No. **33-0101-0004**, Rules of the Idaho Real Estate Commission. A flat fee of \$100 will be charged for each entity license, rather than charging additional broker license fees for multiple entity licenses. Comment By: 10/25/00.

**IDAPA 35 – IDAHO STATE TAX COMMISSION
PO Box 36, Boise, ID 83722**

Docket No. **35-0101-0001**, Income Tax Administrative Rules. Renumbers sections; corrects citations to federal and state codes; makes changes to conform to statutory changes; deletes obsolete language; changes calculation of the offset to add federal tax-exempt interest and subtract foreign dividend gross-up in computing total income; clarifies limitation of itemized deductions and addback of state income taxes and deductions allowed for college savings programs and health insurance costs for self-employed individuals; corrects calculation for the standard deduction for married individuals filing joint returns; requires an alternative method to allocation and apportionment in determining Idaho source income of real and tangible personal property and from a sole proprietorship; clarifies how an entity will report income and pay tax for officers, directors, shareholders, partners, members, or beneficiaries, and how the election is made; clarifies what qualifies as a revenue-producing enterprise due; and others. Comment By: 10/25/00.

Docket No. **35-0102-0001**, Idaho Sales and Use Tax Administrative Rules. Clarifies rental/lease property allowance when it is traded-in; removes provision limiting the credit for bad debts to only the retailer who made the original sale; deletes obsolete language and defines terminology for new technology for records retention; makes the statutory reporting requirements easier and provides options for promoters. Comment By: 10/25/00.

Docket No. **35-0103-0004**, Property Tax Administrative Rules. Renumbers sections; corrects citations to federal and state codes; makes changes to conform to statutory changes; deletes obsolete language; rewrites some definitions to be consistent with statutes and current practice; appraisal approaches, used by county assessors, were clarified to three traditional approaches; makes changes in determining eligibility for exemptions, clarifies determination of household and other taxable income. Comment By: 10/25/00.

Docket No. **35-0105-0001**, Motor Fuels Tax Administrative Rules. Adds and deletes definitions; changes reporting period to taxpayer's fiscal year or calendar year if not required to file an Idaho income tax return; allows all motor fuels to be deducted on sales to the Idaho National Guard; adds authority to grant an exemption from bonding when the distributor has provided information to show financial responsibility even when the submission is incomplete; suspends petroleum transfer fee because the insurance reserve account has reached the statutory limit. Comment By: 10/25/00.

Docket No. **35-0108-0001**, Idaho Mine License Tax Administrative Rules. Corrects a reference to the Tax Commission's Administration and Enforcement Rules. Comment By: 10/25/00.

Docket No. **35-0201-0001**, Tax Commission Administration and Enforcement Rules. Deletes obsolete language; identifies the rate of interest for calendar year 2001; changes amount charged for dishonored checks; adds Department of Treasury Financial Management Services and the governing entity of the International Fuels Tax Agreement to the list of agencies with exchange agreements. Comment By: 10/25/00.

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
PO Box 7129, Boise ID 83707-1129**

Docket No. **39-0104-0001**, Rules Governing Disadvantaged Business Enterprise Program. Repeal of chapter. Comment By: 10/25/00.

Docket No. **39-0313-0001**, Rules Governing Overweight Permits. Adds 2 additional categories and restructures weight ranges for state highways. Comment By: 10/25/00.

Docket No. **39-0316-001**, Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads. Clarifies that permit requirements for implements of husbandry used in the furtherance of a business do not apply to farm operations. Comment By: 10/25/00.

Docket No. **39-0317-0001**, Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers. Conforms to state law to allow manufactured homes being transported, either prior to first sale at retail or to the initial setup location of the original purchaser, not to be registered. Comment By: 10/25/00.

Docket No. **39-0319-0001**, Rules Governing Annual Overlegal Permits. Adds 2 additional categories and restructures weight ranges for assigning more accurate weight limits on certain state highway routes. Comment By: 10/25/00.

Docket No. **39-0342-0001**, Rules Governing Use of State Right-of-Way. Adds a definition section for access management; adds sequentially ordered steps in permitting process; adds section on Access Control Types and on temporary encroachments addressing such issues as political campaign posters; adds a more detailed and comprehensive appeal process; adds Headquarters' and District office addresses. Comment By: 10/25/00.

Docket No. **39-0347-0001**, Rules Governing Certification of Local Improved Road Mileage. Conforms to statutory change by removing rule that prohibited the gating of public highways, with certain exceptions. Comment By: 10/25/00.

**IDAPA 45 – HUMAN RIGHTS COMMISSION
PO Box 83720, Boise, ID 83720**

Docket No. **45-0101-0001**, Rules of the Idaho Human Rights Commission. Identifies who may represent a party in proceedings before the Commission; and removes language prohibiting discrimination based on disabilities not presently job-related. Comment By: 10/27/00.

**IDAPA 47 – IDAHO DIVISION OF VOCATIONAL REHABILITATION
PO Box 83720, Boise, ID 83720-0096**

Docket No. **47-0101-0001**, General Administration. Adds incorporation by reference section and modifies the client appeals process section. Comment By: 10/25/00.

Docket No. **47-0102-0001**, Field Services. Adds incorporation by reference section and modifies record keeping section and client services. Comment By: 10/25/00.

Docket No. **47-0103-0001**, Management Services. Allows staff to negotiate rates of payment for services due to increased costs. Comment By: 10/25/00.

**IDAPA 48 – IDAHO DEPARTMENT OF COMMERCE
PO Box 83720, Boise, ID 83720-0093**

Docket No. **48-0101-0001**, Idaho Community Development Block Grant Program. Requires more information from ICDBG applicants on proposed projects; rewards local cash investment by increasing the competitive value of each dollar committed to proposed project; and youth centers, which can be applied for under the Public Facilities category must primarily benefit at-risk youth through various services and programs. Comment By: 10/25/00.

**IDAPA 52 – IDAHO STATE LOTTERY COMMISSION
1199 Shoreline Lane, Suite 100, Boise, ID 83702**

Docket No. **52-0102-0001**, Gaming Rules of the Idaho State Lottery Commission. Conforms to statutory changes regulating bingo raffle games. Comment By: 10/25/00.

**IDAPA 53 – DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION
PO Box 83720, Boise, ID 83720-0095**

Docket No. **55-0103-0002**, Rules for Professional-Technical Schools. Identifies and sets forth the criteria and requirements for establishment and operation of a professional-technical school in Idaho that qualifies for funding under Section 33-1002G, Idaho Code. Comment By: 10/25/00.

PUBLIC HEARINGS – Public Hearings have been scheduled for the following dockets. Please refer to the Notices of each docket for scheduling information.

Department of Agriculture

Docket No. **02-0403-0002**, Rules Governing Animal Industry.

Docket No. **02-0415-0001**, Rules Governing Beef Cattle Animal Feeding Operations.

State Board of Education

Docket No. **08-0102-0001**, Personnel Rules of the State Board of Education.

Docket No. **08-0103-0001**, Financial Affairs of the State Board of Education.

Docket No. **08-0104-0001**, Rules Governing Residency Classification.

Docket No. **08-0109-0001**, Intellectual Property and Conflict of Interest.

Docket No. **08-0202-0002**, Rules Governing Uniformity.

Docket No. **08-0203-0002**, Rules Governing Thoroughness.

Division of Human Resources and Personnel Commission

Docket No. **15-0401-0001**, Rules of the Division of Human Resources and Personnel Commission.

Division of Veterans Services

Rules Governing Eligibility for Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes Idaho State Veterans Homes:

Docket No. **21-0101-0001**, Domiciliary Care (Repeal),

Docket No. **21-0102-0001**, Residential Care (Repeal),

Docket No. **21-0103-0001**, Nursing Care (Repeal).
Docket No. **21-0101-0002**, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure.
Docket No. **21-0102-0002**, Rules Governing Emergency Relief for Veterans.
Docket No. **21-0103-0002**, Rules Governing Medicaid Qualified Units in Idaho State Veterans Homes.
Docket No. **21-0104-0001**, Rules Governing Emergency Relief for Veterans (Repeal).

Real Estate Commission

Docket No. **33-0101-0003** & **33-0101-0004**, Rules of the Idaho Real Estate Commission.

Human Rights Commission

Docket No. **45-0101-0001**, Rules of the Human Rights Commission.

Idaho State Lottery Commission

Docket No. **52-0102-0001**, Gaming Rules of the Idaho State Lottery Commission.

Division of Professional-Technical Education

Docket No. **55-0103-0002**, Rules of Professional-Technical Schools.

Please refer to the Idaho Administrative Bulletin, **October 4, 2000, Volume 00-10** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

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