

IDAHO ADMINISTRATIVE BULLETIN

October 1, 2025 – Vol. 25-10

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator



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IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

October 1, 2025 – Vol. 25-10

PREFACE	7
IDAPA 02 – DEPARTMENT OF AGRICULTURE	
02.01.08 – Rules Governing Grizzly Bear and Wolf Depredation Docket No. 02-0108-2501 (New Chapter) Notice of Rulemaking – Proposed Rule	14
02.02.05 – Rules Governing Stone Fruit Grades Docket No. 02-0205-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	18
02.02.07 – Rules Governing Bulk Permits and Retail Sale of Potatoes Docket No. 02-0207-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	26
02.02.14 – Rules for Weights and Measures Docket No. 02-0214-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	30
02.03.03 – Rules Governing Pesticide and Chemigation Use and Application Docket No. 02-0303-2501 Notice of Rulemaking – Proposed Rule	56
02.04.20 – Rules Governing Brucellosis Docket No. 02-0420-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	73
02.04.24 – Rules Governing Tuberculosis Docket No. 02-0424-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	91
02.04.26 – Rules Governing the Public Exchange of Livestock Docket No. 02-0426-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	101
02.06.01 – Rules Governing the Production and Distribution of Seed Docket No. 02-0601-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	117
02.06.02 – Rules Governing Registrations and Licenses Docket No. 02-0602-2501 Notice of Rulemaking – Proposed Rule	142
02.06.06 – Rules Governing the Planting of Beans Docket No. 02-0606-2501 Notice of Rulemaking – Proposed Rule	145
02.06.09 – Rules Governing Invasive Species and Noxious Weeds Docket No. 02-0609-2501 Notice of Rulemaking – Adoption of Temporary Rule	147

02.06.33 – Organic Food Products Rules Docket No. 02-0633-2501 Notice of Rulemaking – Proposed Rule	149
02.07.01 – Rules of the Idaho Hop Growers' Commission Docket No. 02-0701-2501 (ZBR Chapter Repeal) Notice of Rulemaking – Proposed Rule	152
IDAPA 08 – STATE BOARD OF EDUCATION	
08.02.02 – Rules Governing Uniformity Docket No. 08-0202-2501 Notice of Rulemaking – Proposed Rule	153
08.02.03 – Rules Governing Thoroughness Docket No. 08-0203-2501 Notice of Rulemaking – Proposed Rule	168
Docket No. 08-0203-2502 Notice of Rulemaking – Proposed Rule	171
Docket No. 08-0203-2503 Notice of Rulemaking – Adoption of Temporary Rule	174
08.02.05 – Rules Governing Pay for Success Contracting Docket No. 08-0205-2501 (ZBR Chapter Repeal) Notice of Rulemaking – Proposed Rule	176
IDAPA 11 – IDAHO STATE POLICE	
11.05.01 – Rules Governing Alcohol Beverage Control Docket No. 11-0501-2501 Notice of Rulemaking – Proposed Rule	177
11.06.01 – Rules Governing Civil Asset Forfeiture Reporting Docket No. 11-0601-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	181
11.10.02 – Rules Governing State Criminal History Records and Crime Information Docket No. 11-1002-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Adoption of Pending Rule	182
IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME	
13.01.03 – Public Use of Lands Owned or Controlled by the Department of Fish and Game Docket No. 13-0103-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	183
13.01.04 – Rules Governing Licensing Docket No. 13-0104-2401 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	186
13.01.08 – Rules Governing Taking of Big Game Animals Docket No. 13-0108-2401 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	215
13.01.16 – Trapping of Wildlife and Taking of Furbearing Animals Docket No. 13-0116-2401 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	237

13.01.17 – Rules Governing Use of Bait for Hunting Big Game Animals Docket No. 13-0117-2401 (ZBR Chapter Repeal) Notice of Rulemaking – Proposed Rule	244
13.01.19 – Rules for Selecting, Operating, Discontinuing, and Suspending Vendors Docket No. 13-0119-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	245
IDAPA 15 – OFFICE OF THE GOVERNOR / IDAHO COMMISSION ON AGING	
15.01.01 – Rules Governing Senior Services and Older Americans Act Programs Docket No. 15-0101-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	252
15.01.20 – Rules Governing Area Agency on Aging (AAA) Operations Docket No. 15-0120-2501 (ZBR Chapter Repeal) Notice of Rulemaking – Proposed Rule	258
IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE	
16.03.08 – Temporary Assistance for Families in Idaho (TAFI) Program Docket No. 16-0308-2501 (ZBR Chapter Repeal) Notice of Rulemaking – Adoption of Pending Rule	259
16.03.08 – Federal Welfare Programs Docket No. 16-0308-2502 (ZBR New Chapter) Notice of Rulemaking – Adoption of Pending Rule	260
IDAPA 20 – IDAHO DEPARTMENT OF LANDS	
20.03.02 – Rules Governing Mined Land Reclamation Docket No. 20-0302-2401 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	263
IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES	
24.02.01 – Rules of the State Athletic Commission Docket No. 24-0201-2501 (Fee Rule) Notice of Rulemaking – Proposed Rule	303
24.05.01 – Rules of the Board of Drinking Water and Wastewater Professionals Docket No. 24-0501-2501 (Fee Rule) Notice of Rulemaking – Proposed Rule	307
24.06.01 – Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants Docket No. 24-0601-2501 (Fee Rule) Notice of Rulemaking – Proposed Rule	313
24.09.01 – Rules of the Board of Examiners of Nursing Home Administrators Docket No. 24-0901-2501 (Chapter Repeal) Notice of Rulemaking – Proposed Rule	315
24.13.01 – Rules Governing the Physical Therapy Licensure Board Docket No. 24-1301-2501 (Fee Rule) Notice of Rulemaking – Proposed Rule	316
24.17.01 – Rules of the State Board of Acupuncture Docket No. 24-1701-2501 (Fee Rule) Notice of Rulemaking – Proposed Rule	318

24.19.01 – Rules of the Board of Examiners of Residential Care Facility Administrators Docket No. 24-1901-2501 (Chapter Repeal)	
Notice of Rulemaking – Proposed Rule	321
24.21.01 – Rules of the Idaho State Contractors Board Docket No. 24-2101-2501 (Fee Rule)	
Notice of Rulemaking – Proposed Rule	322
24.22.01 – Rules of the Idaho State Liquefied Petroleum Gas Safety Board Docket No. 24-2201-2501 (Fee Rule)	
Notice of Rulemaking – Proposed Rule	324
24.23.01 – Rules of the Speech, Hearing, and Communication Services Licensure Board Docket No. 24-2301-2501 (Fee Rule)	
Notice of Rulemaking – Proposed Rule	326
24.28.01 – Rules of the Barber and Cosmetology Services Licensing Board Docket No. 24-2801-2501 (Fee Rule)	
Notice of Rulemaking – Proposed Rule	330
24.32.01 – Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors Docket No. 24-3201-2501	
Notice of Rulemaking – Proposed Rule	337
24.35.01 – Rules of the Outfitters and Guides Licensing Board Docket No. 24-3501-2501	
Notice of Rulemaking – Proposed Rule	339
24.39.30 – Rules of Building Safety (Building Code Rules) Docket No. 24-3930-2502	
Notice of Rulemaking – Proposed Rule	358
24.41.01 – Rules of the Long-Term Care Administrators Board Docket No. 24-4101-2501 (New Chapter)	
Notice of Rulemaking – Proposed Rule	367
IDAPA 28 – DEPARTMENT OF COMMERCE	
28.02.03 – Department of Commerce Grant Program Rules Docket No. 28-0203-2501 (ZBR Chapter Rewrite)	
Notice of Rulemaking – Proposed Rule	371
IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION	
31.27.01 – Rules Governing Pole Attachments Docket No. 31-2701-2501 (New Chapter)	
Notice of Rulemaking – Proposed Rule	379
IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES	
37.02.04 – Shoshone Bannock Tribal Water Supply Bank Rules Docket No. 37-0204-2501 (ZBR Chapter Rewrite)	
Notice of Rulemaking – Proposed Rule	384
37.03.07 – Stream Channel Alteration Rules Docket No. 37-0307-2501 (ZBR Chapter Rewrite)	
Notice of Rulemaking – Proposed Rule	390

37.03.12 – Idaho Department of Water Resources Water Distribution Rules – Water District 34 Docket No. 37-0312-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	422
IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT	
39.02.60 – Rules Governing License Plate Provisions Docket No. 39-0260-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	431
39.03.49 – Rules Governing Ignition Interlock Devices Docket No. 39-0349-2501 (ZBR Chapter Rewrite) Notice of Rulemaking – Proposed Rule	443
IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION	
55.01.03 – Rules of Career Technical Centers Docket No. 55-0103-2501 Notice of Rulemaking – Proposed Rule	452
IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD	
57.01.01 – Rules of the Sexual Offender Management Board Docket No. 57-0101-2501 Notice of Rulemaking – Proposed Rule	454
IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY	
58.01.08 – Idaho Rules for Public Drinking Water Systems Docket No. 58-0108-2502 Notice of Rulemaking – Proposed Rule	460
IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS	
62.01.01 – Idaho Rules of Administrative Procedure Docket No. 62-0101-2501 Notice of Rulemaking – Proposed Rule	467
SECTIONS AFFECTED INDEX	481
LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS	503
CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES	508
SUBJECT INDEX	520

PREFACE

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Division of Financial Management, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties may submit written comments to the agency or request public hearings of the agency, if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking - Proposed Rule” for each proposed rule that is published in the Bulletin.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **22-1** refers to the first Bulletin issued in calendar year **2022**; Bulletin **24-1** refers to the first Bulletin issued in calendar year **2024**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **22-1** refers to January 2022; Volume No. **24-2** refers to February 2024; and so forth. Example: The Bulletin published in January 2022 is cited as Volume **22-1**. The December 2022 Bulletin is cited as Volume **22-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon Bulletin publication. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the [Cumulative Rulemaking Index](#). Link to it on the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Idaho Administrative Procedure Act, [Title 67, Chapter 52, Idaho Code](#), comprises distinct rulemaking actions: negotiated, proposed, temporary, pending, and final rulemaking. Not all rulemakings incorporate or require all of these actions. For a rule to become final, at a minimum, a rulemaking includes proposed, pending, and final rulemaking. Some rules may be adopted as temporary rules when they meet the required statutory criteria. Agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In some cases, the process may begin with proposed rulemaking and end with the final rulemaking. The following is a brief explanation of each type of rule.

1. NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate – Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

2. PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein 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 Rulemaking – Proposed Rule” in the Bulletin. This notice must include very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures 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 Rulemaking – Pending Rule.” This includes a statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

Agencies are required to republish the text of the pending 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 change 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.

4. FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures, has been approved by the legislature, and is of full force and effect.

5. TEMPORARY RULEMAKING

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

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) reducing a regulatory burden that would otherwise impact individuals or businesses.

If a rulemaking meets one or more of these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

Agencies must concurrently promulgate a temporary rule and a proposed rule when the text of the two rulemakings is the same, unless the temporary rule will expire before a proposed rule could become final.

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 schematic. 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 sections 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 that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.041.02.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.

“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”

“041.” refers to Major Section **041**, “Acquisition Procedures”

“02.” refers to Subsection 041.02.

“c.” refers to Subsection 041.02.c.

“ii.” refers to Subsection 041.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a **“DOCKET NUMBER.”** The docket number is a series of numbers separated by a hyphen **“-”**, (**38-0501-2201**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-2201”

“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**).

“2201” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2022**. A subsequent rulemaking on this same rule chapter in calendar year 2022 would be designated as **“2202”**. The docket number in this scenario would be 38-0501-**2202**.

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)

RULEMAKING DEADLINES CY 2025

BULLETIN MONTH / VOL.	FEB 25-2	MAR 25-3	APR 25-4	MAY 25-5	JUN 25-6	JUL 25-7	AUG 25-8	SEPT 25-9	OCT 25-10	NOV 25-11	DEC 25-12	JAN '26 26-1
ARRF DUE	Dec 20	Jan 24	Feb 21	Mar 21	April 18	May 23	June 20	July 18	Aug 15	Sept 19	Oct 24	Nov 21
AGENCY FILING DUE	Jan 3	Feb 7	Mar 7	April 4	May 2	June 6	July 3	Aug 1	*Aug 29	Oct 3	Nov 7	**Dec 5
BULLETIN PUBLISHED	Feb 5	Mar 5	April 2	May 7	June 4	July 2	Aug 6	Sept 3	Oct 1	Nov 5	Dec 3	Jan 7
21-DAY COMMENT ENDS	Feb 26	Mar 5	April 23	May 28	June 25	July 23	Aug 27	Sept 24	Oct 22	Nov 26	Dec 24	Jan 28

**August 29, 2025: Last day to submit a Proposed Rule for the upcoming Legislature*

***December 5, 2025: Last day to submit a Pending Rule for the upcoming Legislature*

RULEMAKING DEADLINES CY 2026

BULLETIN MONTH / VOL.	FEB 26-2	MAR 26-3	APR 26-4	MAY 26-5	JUN 26-6	JUL 26-7	AUG 26-8	SEPT 26-9	OCT 26-10	NOV 26-11	DEC 26-12	JAN '27 27-1
ARRF DUE	Dec 26	Jan 23	Feb 20	March 20	April 17	May 15	June 19	July 17	Aug 14	Sept 18	Oct 16	Nov 20
AGENCY FILING DUE	Jan 9	Feb 6	Mar 6	April 3	May 1	May 29	July 3	July 31	*Aug 28	Oct 2	Oct 30	**Dec 4
BULLETIN PUBLISHED	Feb 4	Mar 4	April 1	May 6	June 3	July 1	Aug 5	Sept 2	Oct 7	Nov 4	Dec 2	Jan 6
21-DAY COMMENT ENDS	Feb 25	Mar 25	April 22	May 27	June 24	July 22	Aug 26	Sept 23	Oct 28	Nov 25	Dec 23	Jan 27

**August 28, 2026: Last day to submit a Proposed Rule for the upcoming Legislature*

***December 4, 2026: Last day to submit a Pending Rule for the upcoming Legislature*

[Access to DFM's Administrative Rules Request Form \(ARRF\)](#)

[Access the Idaho Rule Writer's Manual](#)

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 38	Administration , Department of
IDAPA 62	Administrative Hearings , Office of
IDAPA 02	Agriculture , Idaho State Department of Idaho Honey Commission (02.06.16) Idaho Hop Grower's Commission (02.07) Idaho Sheep and Goat Health Board (02.08)
IDAPA 40	Arts , Idaho Commission on the
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 55	Career Technical Education , Division of
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Idaho Department of
IDAPA 63	Domestic Violence and Victim Assistance , Idaho Council on
IDAPA 08	Education , State Board of and State Department of
IDAPA 32	Endowment Fund Investment Board
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Idaho Department of
IDAPA 13	Fish and Game , Idaho Department of
IDAPA 15	Governor , Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Military Division (Division of Homeland Security) (15.06) Idaho State Liquor Division (15.10)
IDAPA 48	Grape Growers and Wine Producers Commission , Idaho
IDAPA 16	Health and Welfare , Department of
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission , Idaho
IDAPA 18	Insurance , Idaho Department of
IDAPA 05	Juvenile Corrections , Department of

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 09	Labor , Idaho Department of
IDAPA 20	Lands , Idaho Department of
IDAPA 52	Lottery Commission , Idaho State
IDAPA 24	Occupational and Professional Licenses , Division of Accountancy, Board of (24.30) Acupuncture, Board of (24.17) Architects and Landscape Architects, Board of (24.01) Athletic Commission, State (24.02) Barber and Cosmetology Services Licensing Board (24.28) Building Safety, Division of (24.39) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho State (24.21) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, State Board of (24.31) Dentistry, State Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Engineers and Land Surveyors, Board of Licensure of Professional (24.32) Genetic Counselors Licensing Board (24.24) Geologists, Board of Registration for Professional (24.04) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Medicine, Board of (24.33) Midwifery, Board of (24.26) Morticians, Board of (24.08) Naturopathic Health Care, Board of (24.40) Nursing, Board of (24.34) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, Board of (24.10) Outfitters and Guides Licensing Board (24.35) Pharmacy, Board of (24.36) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Real Estate Commission (24.37) Residential Care Facility Administrators, Board of Examiners of (24.19) Shorthand Reporters Board, Idaho Certified (24.29) Social Work Examiners, Board of (24.14) Speech, Hearing and Communication Services Licensure Board (24.23) Veterinary Medicine, State Board of (24.38)
IDAPA 43	Oilseed Commission , Idaho
IDAPA 50	Pardons and Parole , Commission of
IDAPA 26	Parks and Recreation , Idaho Department of

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 11	Police, Idaho State Alcohol Beverage Control (11.05) Brand Board (11.02) Commercial Vehicle Safety (11.13) Forensic Laboratory (11.03) Motor Vehicles (11.07) Peace Officer Standards and Training Council (11.11) Public Safety and Security Information (11.10) Racing Commission (11.04)
IDAPA 29	Potato Commission, Idaho
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board
IDAPA 60	Soil and Water Conservation Commission, Idaho State
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 21	Veterans Services, Division of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission, Idaho

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDACTION
DOCKET NO. 02-0108-2501 (NEW CHAPTER)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 36-1121](#), 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 15, 2025.

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:

Negotiated meetings were held on May 15, May 27, and July 17 with participation from agencies and stakeholders. Proposed amendments to the rule reflect those changes in statute outlined in authorizing statute as amended by the Idaho Legislature in [H592](#) in the 2024 session, and again by [H82](#) in the 2025 session.

Amendments to be consistent with statute include adding a definition of “possible”, changing “validated” to “confirmed”, and recognizing the Idaho Depredation Wildlife Appeals Board reports as Investigation Reports for the purposes of reimbursing for depredations by grizzly bears and wolves. Further clarification has been added regarding the depredation reimbursement process and protocols.

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

There are no fees associated with this rule.

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

There is no fiscal impact due to this administrative rule.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, 19-20](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0108-2501
(New Chapter)

02.01.08 – RULES GOVERNING GRIZZLY BEAR AND WOLF DEPREDATION

000. LEGAL AUTHORITY.

Section 36-1121, Idaho Code. ()

001. SCOPE.

This chapter governs compensation to livestock owners that have experienced depredation of livestock by grizzly bear and/or wolves. ()

002. – 009. (RESERVED)

010. DEFINITIONS.

For the purposes of this rule, the following are defined as: ()

01. Depredation. The damage or destruction of property, including livestock, by a wolf or grizzly bear. ()

02. Producer. Any person who owns livestock for purposes of herding, breeding, raising, or selling. ()

03. Confirmed. A finding that depredation was definitive as determined by a state authorized investigator through a physical field examination. ()

04. Probable. A finding that depredation was likely as determined by a state authorized investigator through a physical field examination. ()

05. Possible. A finding that depredation may have occurred, but the evidence available during the physical field examination is insufficient to support a probable or confirmed determination. The cause of death may be unclear. ()

06. Negative/Unknown Finding. A finding on the physical field examination that the depredation was not definitively due to a grizzly bear or wolf attack or is unknown/inconclusive. ()

07. State Authorized Investigator. United States Department of Agriculture (USDA) Wildlife Services or other state, federal, or county agency, that has been approved by the Agencies to perform physical field examinations. The Idaho Depredating Wildlife Appeals Board is considered a State Authorized Investigator. ()

08. Physical Field Examination. An on-site examination performed by a state authorized investigator

to examine the incident, and a cause will be determined based on evidence collected. ()

09. The Agencies. The Idaho State Department of Agriculture, Department of Fish and Game, and Office of Species Conservation, collectively. ()

011. – 100. (RESERVED)

101. COMPENSATION MATRIX FOR DEPREDATED LIVESTOCK.

01. Compensation Valuation. The program employs the following protocols for determining compensation valuation of livestock. ()

a. Prices paid will be based on the market rate for the grazing season/calendar year in which the losses occurred. This market rate is based on the type of livestock that was depredated. Reports that may be used are: a comprehensive nationwide average through Cattlefax (www.cattlefax.com), USDA reports, American Sheep Industry market reports, a compilation of USDA private market data and local prices. The rates are listed for adult cows, bulls, calves, ewes, rams, lambs, equine, goats, llamas, swine, poultry, and bees. ()

b. Compensation will be paid based upon site specific information regarding actual losses (kills or injuries) submitted by the applicant with the Species Depredation Investigation Report being the foundation of the claim. Actions by the Idaho Depredating Wildlife Appeals Board will be considered the final Investigation Report for the purposes of this chapter, per Section 22-5501, Idaho Code. ()

c. Injured Livestock Compensation. Producers may be compensated for the value of injured livestock in any of the following methods: ()

i. The compensation program may pay for the value of an injured animal that cannot be marketed due to injuries sustained in an eligible attack; or ()

ii. The compensation program may pay for injured livestock that are sold at a reduced price due to an eligible attack. The reimbursement will be the difference of the sale price from the fair market value; or ()

iii. For those animals not otherwise compensated, the compensation program may pay the cost of veterinary care up to seventy-five percent (75%) of the market rate as determined above for confirmed injured livestock. Invoices for care from a licensed veterinarian must be submitted with the application. Documentation supporting the requested compensation for veterinary care must be submitted in order to qualify for compensation. ()

iv. If an animal is injured due to a grizzly bear or wolf and then must be euthanized due to its injuries, an investigator will need to complete an updated Species Depredation Investigation Report to document the change in status. For those animals not otherwise compensated, the compensation program will compensate for the value of the animal upon confirmation. ()

d. Claims for depredation shall be paid on a pro rata basis in the event moneys in the fund are insufficient to pay all Confirmed claims in full until such time as moneys in the fund are depleted. ()

e. Any moneys in the fund after payment of Confirmed claims shall then be paid to those producers with Probable, then Possible claims of depredation. Claims shall be paid on a pro rata basis in the event moneys in the fund are insufficient to pay all claims in full, until such moneys in the fund are depleted. Negative/Unknown findings will not be paid through this program. ()

f. Compensation will not be automatic and the determination of compensation by the Agencies will be final. ()

02. Claims. All claims must be submitted to the Office of Species Conservation no later than December 31 for claims during that calendar year. The Office of Species Conservation will submit all eligible claims for payment to the Idaho State Department of Agriculture no later than the end of January following the year of the

claim. The Idaho State Department of Agriculture will issue eligible compensation payments no later than the end of February following the year of the claims. Full or pro-rated payments will be dependent on available funding.

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102. – 109. (RESERVED)

110. PHYSICAL FIELD EXAMINATIONS.

Physical field examinations will be conducted by a state authorized investigator. A field examination process will be performed by the investigator to determine a finding for reported suspected depredation incidents. A list of state authorized investigators and field examination protocols can be viewed on the Office of Species Conservation website at www.species.idaho.gov.

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111. -- 149. (RESERVED)

150. CONFLICT PREVENTION PROGRAM.

The program employs a program for funding projects that assists to prevent depredation. Protocols for determining approvals and funding can be found on the Office of Species Conservation website at www.species.idaho.gov.

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151. – 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.02.05 – RULES GOVERNING STONE FRUIT GRADES
DOCKET NO. 02-0205-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Sections 22-702, 22-703, and 22-803](#), 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 15, 2025.

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:

Zero-based Rulemaking negotiated meetings were held on June 12 and July 2. The amendments include those consistent with a thorough review for relevance to current industry practices. The resulting rule is consistent with industry practices, and outlines Idaho specific grades and standards for stonefruits.

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

There are no fees associated with this rule.

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

There is no fiscal impact due to this administrative rule.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, 21-22](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

During negotiated rulemaking, it was discovered that [7 CFR § 51.1521](#) was referenced in Subsection 140.02, but there were no Incorporated by Reference documents listed. Adding this Incorporated by Reference document will correct the oversight.

7 CFR § 51.1521 governs the United States standards for grades of fresh plums and prunes. It lists the definition of what plums and prunes need to be to gain a U.S. No. 1 Grade.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0205-2501
(ZBR Chapter Rewrite.)

02.02.05 – RULES GOVERNING STONE FRUIT GRADES

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of~~ Sections 22-702, 22-703, and 22-803, Idaho Code.
(3-31-22)()

001. ~~TITLE AND SCOPE.~~

~~01. Title.~~ The title of this chapter is IDAPA 02.02.05, “Rules Governing Stone Fruit Grades.”
(3-31-22)

~~02. Scope.~~ These rules specify the general requirements for the inspection and grading of plums,
prunes, sweet cherries, and apricots in the state of Idaho. (3-31-22)()

002. – ~~119003.~~ (RESERVED)

004. INCORPORATION BY REFERENCE.

The Code of Federal Regulations, 7CFR § 51.1521 (August 14, 2025), is incorporated by reference and can be viewed online at <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-C/part-51>. Copies of this document may be obtained from the Idaho State Department of Agriculture (ISDA), 2270 Old Penitentiary Road, Boise, Idaho 83712. ()

005. – 009. (RESERVED)

010. DEFINITIONS.

01. Clean. The fruit is practically free from dirt, dust, spray residue, or other foreign material. ()

02. Damage. Any specific defect or any equally objectionable variation of defects, that materially detracts from the appearance, or the edible or marketing quality of the fruit. ()

03. Diameter. The greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit. ()

04. Mature. The fruit has reached the stage of growth that will insure the proper completion of the ripening process. ()

05. Permanent Defects. Defects that are not subject to change during shipping or storage, to indicate

that it occurred prior to shipment. ()

06. **Serious Damage.** Any specific defect or an equally objectionable variation of defects that seriously detracts from the appearance or the edible or marketing quality of the fruit. ()

07. **Similar Varietal Characteristics.** Fruit in any container are similar in color and shape. ()

SUBCHAPTER A – PRUNES AND PLUMS

120. IDAHO HAIL GRADE, PRUNES OR PLUMS.

This grade consists of plums or prunes of one variety or similar varietal characteristics that meet all requirements of the U.S. No. 1 grade provided that not to exceed twenty-five percent (25%) by count may show hail marks that are well healed. (3-31-22)

121. -- ~~129.~~ (RESERVED)

~~130. PROCESSING GRADE, PRUNES OR PLUMS.~~

~~Grading is based on the current (March 29, 2004) U.S. Standards for Fresh Plums and Prunes as defined in paragraph 7 CFR § 51.1522, U.S. Combination including subsequent paragraphs related to U.S. Combination with the following exceptions: (3-31-22)~~

~~01. **Minimum Size.** The minimum size is one and one-third (1-1/3) inches diameter, meaning the shortest dimension measured through the center of the fruit at right angles to a line from stem to blossom end. All smaller fruit is to be graded as culls per Subsection 130.04 below. (3-31-22)~~

~~02. **Infestation.** Worm damage (infestation) is limited to one percent (1%) maximum. (3-31-22)~~

~~03. **Fruit Sugar Content.** As related to maturity the fruit sugar (soluble solids) content of eighteen (18) degrees F brix as a minimum based on samples of random sample of five (5) pounds, pits removed, using at least ten (10) whole fruit. (3-31-22)~~

~~04. **Cullage Tolerance.** A tolerance of five percent (5%) cullage (worm infestation limited to one percent (1%)) will be accepted without dockage, but all cullage over ten percent (10%) the TOTAL WILL BE CLAIMED, further that the processor reserves the right to reject all loads over twenty percent (20%) defects or over, or to renegotiate with the grower outside of these conditions if the grower wishes to sell on this basis. (3-31-22)~~

~~131.~~ 139. (RESERVED)

140. ITALIAN PRUNES.

01. **Idaho No. 1.** Idaho No. 1 to be exactly as the specifications and definitions of the current U.S. No. 1 with the one (1) exception as follows: Subparagraph (a) of 7 CFR § 51.1521 effective March 29, 2004, delete the words “be fairly well colored” and insert in lieu thereof “have two-thirds (2/3) of the surface with purplish color,” thus sub (a) of 7 CFR § 51.1521 will read, “Italian type prunes shall have two-thirds (2/3) of the surface with purplish color and, unless otherwise specified, shall not be less than one and one-fourth (1-1/4) inches in diameter.” (See 7 CFR § 51.1525). (3-31-22)

02. **Nomenclature.** The nomenclature, U.S. No. 1 of 7 CFR § 51.1521 will read “Idaho No. 1.” All other factors of the United States Standards for Fresh Plums and Prunes, effective March 29, 2004, remains in force and effect in defining the definitions of the rules of Idaho No. 1, as well as handbooks, administrative directives, base color minimum and applications thereof. (3-31-22)

141. -- 209. (RESERVED)

SUBCHAPTER B – SWEET CHERRIES

~~210. DEFINITIONS.~~

The definitions found in Section 210 apply to the interpretation and enforcement of Subchapter B only. (3-31-22)

- 01. Clean.** The cherries are practically free from dirt, dust, spray residue, or other foreign material. (3-31-22)
- 02. Diameter.** The greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry. (3-31-22)
- 03. Fairly Well Colored.** At least ninety-five (95%) percent of the surface of the cherry shows characteristic color for mature cherries of the variety. (3-31-22)
- 04. Mature.** Cherries have reached the stage of growth that will insure the proper completion of the ripening process. (3-31-22)
- 05. Similar Varietal Characteristics.** Cherries in any container are similar in color and shape. (3-31-22)
- 06. Well Formed.** The cherry has the normal shape characteristic of the variety, except that mature well developed doubles are to be considered well formed when each of the halves is approximately evenly formed. (3-31-22)

210. – 219. (RESERVED)

220. IDAHO NO. 1 GRADE.

01. Idaho No. 1. Idaho No. 1 will consist of sweet cherries that meet the following requirements: Similar varietal characteristics; mature; fairly well colored, meaning at least ninety-five (95%) percent of the surface of the cherry shows characteristic color for mature cherries of the variety; well formed, meaning the cherry has the normal shape characteristic of the variety, except that mature well developed doubles are to be considered well formed when each of the halves is approximately evenly formed; and clean; free from decay, insect larvae or holes caused by them; soft, overripe or shriveled; underdeveloped doubles and sunscald; and free from damage by any other cause. (3-31-22)()

02. Size. Unless otherwise specified, the minimum diameter of each cherry is not less than three-fourths (3/4) inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts. (3-31-22)

03. Tolerances. ~~In order to~~ To allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified: (3-31-22)()

a. For Defects at Shipping Point: Idaho No. 1. Eight percent (8%) for cherries that fail to meet the requirements for this grade: PROVIDED, that included in this amount not more than four percent (4%) is allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent (.50%) for cherries that are affected by decay. (3-31-22)

b. For Defects Enroute or at Destination: Idaho No. 1. Twenty-four percent (24%) for cherries in any lot that fail to meet the requirements for this grade: PROVIDED, that included in this amount not more than the following percentages are allowed for defects listed: (3-31-22)

i. Eight percent (8%) for cherries that fail to meet the requirements for this grade because of permanent defects; or (3-31-22)

ii. Six percent (6%) for cherries that are seriously damaged, including therein not more than four percent (4%) for cherries that are seriously damaged by permanent defects and not more than two percent (2%) for cherries that are affected by decay. (3-31-22)

c. For Off-Size. Five percent (5%) for cherries that fail to meet the specified minimum diameter and

ten percent (10%) for cherries that fail to meet any specified maximum diameter. (3-31-22)

221. -- 229. (RESERVED)

230. APPLICATION OF TOLERANCES.

Individual samples are not to have more than double the tolerances specified, except that at least two (2) defective and two (2) off-size specimens may be permitted in any sample: PROVIDED, that the averages for the entire lot are within the tolerances specified for the grade. (3-31-22)

231. -- 239. (RESERVED)

240. SCORABLE DEFECTS.

01. Damage. ~~Any specific defect or any equally objectionable variation of any one (1) of these defects, any other defect, or any defects, that materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects are considered as damage:~~ (3-31-22)()

a. Cracks within the stem cavity - when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry that has a superficial well healed crack one-sixteenth (1/16) inch in width extending one-half (1/2) the greatest circumference of the stem cavity. (3-31-22)

b. Cracks outside of the stem cavity - when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling, or when materially affecting the appearance. (3-31-22)

c. Hail injury - when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths (3/16) inch in diameter. (3-31-22)

d. Insects - when scale or more than one (1) scale mark is present, or when the appearance is materially affected by any insect. (3-31-22)

e. Limb rubs - when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted. (3-31-22)

f. Pulled stems - when the skin or flesh is torn, or when the cherry is leaking. (3-31-22)

g. Russeting - when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted. (3-31-22)

h. Scars - when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths (3/16) inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth (1/4) inch in diameter. (3-31-22)

i. Skin breaks - when not well healed or when the appearance of the cherry is materially affected. (3-31-22)

j. Sutures - when excessively deep or when effecting the shape of the cherry to the extent that it is not well formed. (3-31-22)

02. Serious Damage. ~~Any specific defect or an equally objectionable variation of any one (1) of these defects, any other defect, or any combination of defects that seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects are considered as serious damage:~~ (3-31-22)()

a. Decay. (3-31-22)

b. Insect larvae or holes caused by them. (3-31-22)

- c. Skin breaks that are not well healed. (3-31-22)
- d. Cracks that are not well healed. (3-31-22)
- e. Pulled stems with skin or flesh of cherry torn or that causes the cherry to leak. (3-31-22)

241. --249. (RESERVED)

250. PERMANENT DEFECTS.

~~Defects that are not subject to change during shipping or storage, including, but not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury that is so located as to indicate that it occurred prior to shipment.~~ (3-31-22)

251. —259. (RESERVED)

260. CONDITION DEFECTS.

~~Defects that may develop or change during shipment or storage including, but not limited to, decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising that is so located as to indicate that it occurred after packing.~~ (3-31-22)

261. —34920. (RESERVED)

SUBCHAPTER C – APRICOTS

320. DEFINITIONS.

~~The definitions found in Section 320 apply to the interpretation and enforcement of Subchapter C only.~~ (3-31-22)

~~**01. Diameter.** The greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end.~~ (3-31-22)

~~**02. Mature.** Having reached the state of maturity that will ensure a proper completion of the ripening process.~~ (3-31-22)

~~**03. Well Formed.** Having the characteristic shape of the variety.~~ (3-31-22)

321. GRADES.

01. Idaho No. 1. Consists of apricots of one variety that are mature but not soft, overripe or shriveled and that are well formed, free from decay, insect holes, and damage caused by skin breaks, cuts, limb rubs, russetting, growth cracks, dirt, hail, bruises, scale or other means. (3-31-22)

02. Idaho No. 2. Consists of apricots of one variety that are mature but not soft, overripe or shriveled, and that are free from decay, insect holes and serious damage caused by skin breaks, limb rubs, russetting, growth cracks, hail, bruises or other means. (3-31-22)

03. Idaho Combination. Consists of a combination of Idaho No. 1 and Idaho No. 2. When such a combination is packed, at least fifty percent (50%) of the apricots in any container will meet the requirements of the Idaho No. 1. (See Section 330). (3-31-22)

322. -- 329. (RESERVED)

330. TOLERANCES.

~~In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:~~ (3-31-22)

- 01. Defects.** (3-31-22)

a. Idaho No. 1. A total of ten percent (10%) for apricots in any lot that fails to meet the requirements for the grade: Provided, that not more than one-half (1/2) of this tolerance, or five percent (5%), is allowed for defects causing serious damage, including therein not more than one-fifth (1/5) of this amount or one percent (1%) is allowed for apricots that are affected by decay. An additional ten percent (10%) by count of the apricots may be damaged by bruise. (3-31-22)

b. Idaho No. 2. A total of ten percent (10%) for apricots in any lot that fail to meet the requirements for the grade: Provided, therein that not more than one percent (1%) be allowed for apricots that are affected by decay. (3-31-22)

c. Idaho Combination. A total of ten percent (10%) for apricots in any lot that fail to meet the requirements for the grade: Provided, therein that not more than one percent (1%) will be allowed for apricots that are affected by decay. (3-31-22)

02. Restrictions. When applying the foregoing tolerances to the combination grade, no part of any tolerance can be used to reduce the percentage of Idaho No. 1 apricots required in the combination, but individual containers may have not more than ten percent (10%) less than the percentage of Idaho No. 1 required, provided that the entire lot average is within the percentage specified. (3-31-22)

03. Samples. Individual samples will not have more than one and one-half (1 1/2) times any tolerance specified; provided, that the averages for the entire lot are within the tolerances specified for the grade. (3-31-22)

331. – 339. (RESERVED)

340. MARKING REQUIREMENTS.

01. Containers. When apricots are packed in containers, such containers will be stamped or marked thereon the variety, the net contents, and packer's name and address. (3-31-22)

02. Size. The minimum size may be specified in terms of diameter or numerical count. When a minimum diameter is marked on the container, not more than ten percent (10%) by count is allowed for apricots below the marked size. (3-31-22)

341. – 349. (RESERVED)

350. SCORABLE DEFECTS.

01. Damage. ~~The apricot is injured to an extent readily apparent in the process of proper grading and handling. The following specific defects will not be considered as damage.~~ (3-31-22) ()

- a.** Hail Marks: Well healed and shallow - allow one-eighth (1/8) inch in diameter. (3-31-22)
 - i.** When skin has not been broken: (3-31-22)
 - ii.** Shallow - allow three-eighths (3/8) inch in diameter. (3-31-22)
 - iii.** Not shallow - allow one-fourth (1/4) inch in diameter. (3-31-22)
- b.** Growth Cracks: (3-31-22)
 - i.** Well healed - allow three-eighth (3/8) inch in length. (3-31-22)
 - ii.** Riland variety - allow one-half (1/2) inch in length. (3-31-22)
- c.** Limb Rubs: Smooth and shallow - allow one-fourth (1/4) inch in diameter. (3-31-22)
- d.** Russetting: Allow one-fourth (1/4) surface area in aggregate. (3-31-22)

- e. Skin Breaks: (3-31-22)
 - i. Punctures - allow three-sixteenths (3/16) inch in diameter. (3-31-22)
 - ii. Stem pulls - allow three-eighths (3/8) inch in diameter. (3-31-22)
 - iii. Riland variety - allow one-half (1/2) inch in diameter. (3-31-22)
 - f. Bruises: Allow five percent (5%) of the surface area. (3-31-22)
 - g. Scale: Allow two (2) scale marks. (3-31-22)
 - h. Dirt: Allow when not readily apparent. (3-31-22)
 - 02. Serious Damage.** ~~Immaturity or any deformity, or injury that causes breaking of the skin, or that seriously affects the appearance. The following specific defects will not be considered as serious damage.~~
(3-31-22)()
 - a. Bruises: Allow ten percent (10%) of the surface area. (3-31-22)
 - b. Growth cracks: (3-31-22)
 - i. Well healed - allow one-half (1/2) inch in length. (3-31-22)
 - ii. Riland variety - allow five-eighths (5/8) inch in length. (3-31-22)
 - c. Hail Marks: (3-31-22)
 - i. Well healed - allow three-eighths (3/8) inch in aggregate. (3-31-22)
 - ii. When skin has not been broken - allow one-half (1/2) inch in aggregate. (3-31-22)
 - d. Skin Breaks: (3-31-22)
 - i. Stem pulls - allow one-half (1/2) inch in diameter. (3-31-22)
 - ii. Other skin breaks - allow three-eighths (3/8) inch diameter. (3-31-22)
- 351. – 999. (RESERVED)**

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.02.07 – RULES GOVERNING BULK PERMITS AND RETAIL SALE OF POTATOES

DOCKET NO. 02-0207-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Sections 22-901, 22-911](#), and [22-2006](#), 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 15, 2025.

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:

Zero-based Rulemaking negotiated meetings were held on June 12 and July 2. These rules govern the application for a permit to ship bulk potatoes, permit fees, and marketing order requirements and specify the general requirements for the inspection, grading, marking, and retail sales of potatoes in the state of Idaho.

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

There were no changes to fees previously authorized in this rule chapter.

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

There is no fiscal impact as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 23-24](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

[Federal Marketing Order Number 945](#), as published on September 13, 2021, is incorporated by reference. This is a necessary incorporation as the purpose of the rule is to assist in implementing the marketing order for potatoes in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025.

Lloyd B. Knight, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0207-2501
(ZBR Chapter Rewrite.)

02.02.07 – RULES GOVERNING BULK PERMITS AND RETAIL SALE OF POTATOES

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of~~ Sections 22-901, 22-911, and 22-2006, Idaho Code. (3-15-22)()

001. ~~TITLE AND~~ SCOPE.

~~01. Title.~~ The title of this chapter is IDAPA 02.02.07, “Rules Governing Bulk Permits and Retail Sale of Potatoes.” (3-15-22)

~~02. Scope.~~ These rules govern the application for a permit to ship bulk potatoes, permit fees, and marketing order requirements and specify the general requirements for the inspection, grading, marking and retail sales of potatoes in the state of Idaho. (3-15-22)()

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

The following document is incorporated by reference into this chapter: (3-15-22)

01. ~~Federal Marketing Order Number 945 - U.S.D.A. Handling Regulations—October 3, 2018~~
~~September 13, 2021, Until Revised.~~ Copies of this document may be obtained from the Idaho State Department of Agriculture <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-IX/part-945>. (3-15-22)()

005. -- 119. (RESERVED)

~~SUBCHAPTER A—BULK PERMITS~~

120. MARKETING ORDER.

Permits for shipment of processing potatoes require a marketing order certificate of privilege number, issued by the marketing order manager, if leaving the marketing order area. Inspection of bulk shipments for processing is not required. Bulk shipments for repacking or fresh sale must be graded and meet all applicable minimum marketing order requirements. Each shipment requires a federal-state inspection certificate, certifying minimum standards and include the percentage of u.s. no. 1 quality. ()

121. REQUEST FOR PERMIT APPLICATION.

Request for permits must be made forty-eight (48) hours prior to shipment, excluding weekends and State Holidays. Any violation or improper use of permits will invalidate the permit and may be grounds for denial of future permits. Application for permit is to be on a form furnished by the department. Acknowledgment of receipt of processing potatoes, when leaving the Federal Marketing Order area, shall be accomplished immediately by the processor upon receipt of the shipment and forwarded to the issuing office. A copy of each permit issued is to be forwarded to the Idaho Potato Commission by the issuing officer. ()

1202. PERMIT FEES.

The first handler or shipper shall apply through the nearest District Inspection Office for a permit to ship bulk potatoes. The permittee shall pay the potato advertising tax at combined grower-shipper rates for either fresh or processing potatoes, and inspection fees, if required, within thirty (30) days of shipment. Failure to pay either fee within the prescribed time is grounds for denial of future permits, so long as the fees remain outstanding. (3-15-22)

121. APPLICATION FORM.

Application for permit is to be on a form furnished by the department. Acknowledgment of receipt of processing potatoes, when leaving the Federal Marketing Order area, shall be accomplished immediately by the processor upon receipt of the shipment and forwarded to the issuing office. A copy of each permit issued is to be forwarded to the Idaho Potato Commission by the issuing officer. (3-15-22)

122. MARKETING ORDER.

Permits for shipment of processing potatoes require a Marketing Order Certificate of Privilege number, issued by the Marketing Order Manager, if leaving the Marketing Order area. Inspection of bulk shipments for processing is not required. Bulk shipments for repacking or fresh sale must be graded and meet all applicable minimum Marketing Order requirements. Each shipment requires a Federal State inspection certificate, certifying minimum standards and include the percentage of U.S. No. 1 quality. (3-15-22)

123. REQUEST FOR PERMIT.

Request for permits must be made forty-eight (48) hours prior to shipment, excluding weekends and Legal Holidays. Any violation or improper use of permits will invalidate the permit and may be grounds for denial of future permits. (3-15-22)

124. -- 219. (RESERVED)

SUBCHAPTER B—RETAIL SALES

220. INSPECTIONS, RESTRICTIONS, AND IDENTIFICATION REQUIRED.

All potatoes packed for resale to retail outlets in Idaho shall be inspected as outlined in Subsection 220.02 and meet the requirements of Federal Marketing Order number 945-USDA and the following conditions outlined below: (3-15-22)()

01. Certification and Markings. Each shipment packed for resale to retail outlets in Idaho is to be accompanied by a valid inspection certificate, numbered note sheet or be marked with a positive lot identification number (PLI) number. (3-15-22)()

02. Inspections. For other than Idaho or Oregon, inspections may be performed by any person or persons authorized under the USDA AMS Specialty Crop Inspection Program as a federal or state inspector to inspect potatoes. (3-15-22)()

03. Restrictions. All potatoes packed for resale to retail outlets in Idaho under the provision of this rule are inspected as outlined in Subsection 220.02 and found free from: (3-15-22)()

a. Potato Tuberworm (*Phthorimaea operculella* (Zeller)). (3-15-22)

b. Potato Wart (*Synchytrium endobioticum*). (3-15-22)

221. LOTS TAGGED NOT FOR SALE -- REMOVAL THEREOF.

Retail outlets may be periodically checked by the Idaho State Department of Agriculture. Lots found failing to grade as marked or otherwise found out of compliance with the provisions of this rule will be tagged "Not For Sale" until removed from display and regraded, destroyed or remarked to a lower grade if feasible. (3-15-22)

222. COMPLIANCE OR NON-COMPLIANCE CERTIFICATE.

Each inspection at the retail outlet will be acknowledged by an inspection report showing compliance or non-compliance. (3-15-22)

223. SECOND NOTICE ACTION -- NON-COMPLIANCE.

A second inspection showing evidence of non-compliance in any calendar year will constitute sufficient grounds to proceed with prosecution in accordance with Sections 22-2020 or 22-912, Idaho Code. (3-15-22)()

224. BULK LOTS LABELED NOT FOR SALE -- REMOVAL THEREOF.

Bulk potatoes failing to meet the grade shown or otherwise found out of compliance with the provisions of this rule are labeled "Not For Sale" until removed. They may be regraded, destroyed or re-marked to a lower grade if feasible. (3-15-22)

225. RESPONSIBILITY OF PERMANENT AND CONDITION DEFECTS.

~~Defects of condition are those of retailers' responsibility. Permanent grade defects are those of the original packer.~~ Retailers are responsible for condition defects. Original packers are responsible for permanent defects. (3-15-22)()

226. RESTRICTING STANDARDS TO TABLESTOCK GRADES.

Usable grades or standards are the entire spectrum of U.S. and Idaho Grades excluding processing grades. (3-15-22)

227. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.02.14 – RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Sections 71-111, 71-121, 71-232, 71-233, 71-236, 71-241, and 71-408](#), 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 15, 2025.

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:

Zero-based Rulemaking negotiated meetings were held on June 12 and July 2. After review, significant deletions are recommended to rely on those national standards incorporated by reference as it is not necessary to keep language separately defined in the administrative rule as well as the incorporated standard. No changes were made to the fees already included in the rule.

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

There are no changes to fees included in this rule.

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

There is no fiscal impact due to this administrative rule.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 27-28](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Handbook 130 and 133 are incorporated by reference as this follows the national standard for all weight and measuring devices.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0214-2501
(ZBR Chapter Rewrite.)

02.02.14 – RULES FOR WEIGHTS AND MEASURES

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of Sections 71-111, 71-121, 71-232, 71-233, 71-236, 71-241, and 71-408, Idaho Code.~~ (3-15-22)()

001. ~~TITLE AND SCOPE.~~

~~01. Title.~~ The title of this chapter is “Rules for Weights and Measures.” (3-15-22)

~~02. Scope.~~ This chapter has the following scope: to govern the checking, testing, and examination of weighing and measuring devices, packages and labels; to govern consumer and non-consumer packaging and labeling; to govern the registration of servicemen and service agencies for commercial weighing and measuring devices; to govern the licensing of weighmasters, and to govern the licensing of commercially used weighing and measuring devices and to set maximum annual license fees for weighing and measuring devices. (3-15-22)()

002. – 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

01. Required Reference Materials. The 2024⁵ edition of Handbook No. 441³⁰ of the National Institute of Standards and Technology, United States Department of Commerce, “Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” (Published December, 2024) hereby incorporated by reference, is the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (7-1-25)()

02. Required Reference Materials for Checking Prepackaged Commodities. The 2020⁵ edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, “Checking the Net Contents of Packaged Goods,” (Published January 10, 2025) hereby incorporated by reference, is the authority in checking packaged commodities, unless otherwise stated in these rules. (3-15-22)()

~~**03. Local Availability.** Copies of the incorporated documents are on file with the Idaho State Department of Agriculture, 2216 Kellogg Lane, Boise, Idaho 83712. Copies of NIST documents may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies are available for downloading at <https://www.nist.gov/publications/specifications-tolerances-and-other-technical-requirements-weighing-and-measuring-15>. Copies of ASTM specifications are on file with the Idaho State Department of Agriculture or may be purchased from <http://www.astm.org>, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA, 19428.~~ (7-1-25)

005. DIESEL, BIODIESEL, AND GASOLINE STANDARDS.

Per Section 37-2506, Idaho Code, the latest specifications adopted by the American Society for Testing and Materials is the required standard for all diesel, biodiesel, and gasoline fuels. The standards can be accessed at <https://www.astm.org/products-services/standards-and-publications/standards/petroleum-standards.html>. (7-1-25)

006. -- ~~009~~11. (RESERVED)

010. DEFINITIONS.

In addition to the definitions set forth in Sections 71-108 and 71-401, Idaho Code, the following definitions apply to this rule: (3-15-22)

01. ~~Alcohol.~~ A volatile flammable liquid having the general formula $C_nH_{(2n+1)}OH$ used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as an alcohol, including ethanol and methanol. (3-15-22)

02. ~~Biodiesel.~~ A fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100. (3-15-22)

03. ~~Biodiesel Blends.~~ A fuel comprised of a blend of biodiesel fuel with petroleum based diesel fuel, designated BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend. (3-15-22)

04. ~~Certificate of Conformance.~~ A document issued by the National Institute of Standards and Technology based on testing in participating laboratories, said document constituting evidence of conformance of a type with the requirements of National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, 105-3. (3-15-22)

05. ~~Compressed Natural Gas (CNG).~~ Natural Gas which has been compressed and dispensed into fuel storage containers and is suitable for use as an engine fuel. (3-15-22)

06. ~~Commercial Weighing and Measuring Device.~~ Any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, product, or articles for distribution or consumption, purchased, offered or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure, and must also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects, or may affect, the accuracy of the device. (3-15-22)

07. ~~Co-Solvent.~~ An alcohol or any other chemical with higher molecular weight than methanol or ethanol which is blended with either or both to prevent phase separation in gasoline. (3-15-22)

08. ~~Diesel Gallon Equivalent (DGE).~~ Equivalent to six point three hundred eighty four thousandths (6.384) pounds of compressed natural gas or six point fifty nine thousandths (6.059) pounds of liquefied natural gas. (3-15-22)

09. ~~Ethanol.~~ Ethyl alcohol, a flammable liquid having the formula C_2H_5OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as ethanol or ethyl alcohol. (3-15-22)

10. ~~Gasoline.~~ Any fuel sold for use in motor vehicles and commonly or commercially known or sold as gasoline whether leaded or unleaded. (3-15-22)

11. ~~Gasoline Gallon Equivalent (GGE).~~ Equivalent to five point six hundred sixty thousandths (5.660) pounds (two point five hundred sixty seven thousandths (2.567) kilograms) of compressed natural gas. (3-15-22)

12. ~~Gasoline Liter Equivalent (GLE).~~ Equivalent to one point four hundred ninety five thousandths

(1.495) pounds (zero point six hundred seventy eight thousandths (0.678) kilograms) of compressed natural gas.
(3-15-22)

13. ~~Gasoline-Oxygenate Blend.~~ For labeling purposes, any spark-ignition motor fuel containing one percent (1%) or more by volume of oxygenates or combination of oxygenates, such as but not restricted to ethanol, methanol, or methyl-tertiary-butyl ether.
(3-15-22)

14. ~~Label.~~ Any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except an inspector's tag or other non-promotional matter affixed to or appearing upon a consumer commodity will not be deemed to be a label requiring the repetition of label information required by this rule.
(3-15-22)

15. ~~Liquefied Natural Gas (LNG).~~ Natural gas that has been liquefied at minus one hundred sixty-two degrees Celsius (-162 °C) (minus two hundred sixty degrees Fahrenheit (-260 °F)) and stored in insulated cryogenic tanks for use as an engine fuel.
(3-15-22)

16. ~~Methanol.~~ Methyl alcohol, a flammable liquid having the formula CH₃OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as methanol or methyl alcohol.
(3-15-22)

17. ~~Motor Vehicles.~~ Include all vehicles, vessels, watercraft, engines, machines, or mechanical contrivances that are propelled by internal combustion engines or motors.
(3-15-22)

18. ~~Multi-Unit Package.~~ A package containing two (2) or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this rule.
(3-15-22)

19. ~~National Type Evaluation Program.~~ A program of cooperation between the National Institute of Standards and Technology, the National Conference on Weights and Measures, the states, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of the National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," National Institute of Standards and Technology Handbook 105-1, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Weights (NIST Class F)," National Institute of Standards and Technology Handbook 105-2, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Field Standard Measuring Flask," or National Institute of Standards and Technology Handbook 105-3, "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures, Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards."
(3-15-22)

20. ~~Package.~~ Any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.
(3-15-22)

21. ~~Participating Laboratory.~~ Any State Measurement Laboratory that has been certified by the National Institute of Standards and Technology, in accordance with its program for the Certification of Capability of State Measurement Laboratories, to conduct a type of evaluation under the National Type Evaluation Program.
(3-15-22)

22. ~~Principal Display Panel or Panels.~~ That part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."
(3-15-22)

23. ~~Random Package.~~ A package that is one (1) of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.
(3-15-22)

24. ~~Registered Service Agency.~~ Any agency, firm, company or corporation which, for hire, award, commission or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device, and which voluntarily registers itself as such with the Bureau of Weights and Measures. Under agency registration, identification of individual servicemen is required. (3-15-22)

25. ~~Registered Serviceman.~~ Any individual who for hire, award, commission or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device, and who voluntarily registers himself as such with the Bureau of Weights and Measures. (3-15-22)

26. ~~Retail Dealer.~~ Any person who owns, operates, controls, or supervises an establishment at which gasoline is sold or offered for sale to the public. (3-15-22)

27. ~~Sale from Bulk.~~ The sale of commodities when the quantity is determined at the time of sale. (3-15-22)

28. ~~Spark Ignition Motor Fuel.~~ Gasoline and its blends with oxygenates such as eo solvent and ethers (also "spark ignition engine fuel"). (3-15-22)

29. ~~Type.~~ A model or models of a particular measurement system, instrument, element or a field standard that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the Certificate of Conformance. (3-15-22)

30. ~~Type Evaluation.~~ The testing, examination, and evaluation of a type by a participating laboratory under the National Type Evaluation Program. (3-15-22)

31. ~~Wholesale Dealer.~~ Any person engaged in the sale of gasoline to others who the seller knows or has reasonable cause to believe intends to resell the gasoline in the same or an altered form to another. (3-15-22)

011. ~~ABBREVIATIONS.~~

01. ~~ISDA.~~ Idaho State Department of Agriculture. (3-15-22)

02. ~~NIST.~~ National Institute of Standards and Technology. (3-15-22)

012. LICENSE REQUIRED FOR COMMERCIALLY-USED WEIGHING OR MEASURING INSTRUMENT OR DEVICE.

Weighing or measuring instruments or devices used for commercial purposes in the State of Idaho must be licensed annually. (3-15-22)

01. ~~Annual License.~~ No person may operate or use for commercial purposes within the state any weighing or measuring instrument or device specified in Section 71-113, Idaho Code, that is not licensed in accordance with ~~the requirements of~~ this rule. (3-15-22)()

02. ~~Specific Device.~~ Any license issued applies only to the instrument or device identified by Device Code, as listed in TABLE 1-A, and rated capacity on the application for license. The license is applicable to an equivalent replacement for the original instrument or device, within the annual license period. (3-15-22)

013. LICENSE APPLICATION.

License application must be submitted on forms provided by ~~ISDA~~ Idaho State Department of Agriculture (ISDA) and accompanied with the proper fee as established in this rule. The capacity of an instrument or device will be determined by the manufacturer's rated capacity. (3-15-22)()

014. ANNUAL LICENSE PERIOD.

Annual license applications and fees are due February 1 of each year and all licenses expire on January 31 of the following year. (3-15-22)

015. LICENSE RENEWALS.

Any device or instrument will be considered rejected if the license for that device or instrument is not renewed thirty (30) days after expiration. A person failing to pay the annual license fee after forty-five (45) days following the expiration date, forfeits the right to use the instrument or device for commercial purposes, and the instrument or device may be taken out of service by the ISDA Bureau of Weights and Measures ~~(Bureau)~~ until the license fee is paid. (3-15-22)()

016. MAXIMUM AND MINIMUM LICENSE FEE SCHEDULE FOR COMMERCIALY-USED WEIGHING AND MEASURING INSTRUMENTS AND DEVICES.

The annual license fee for instruments and devices is based on manufacturer's rated capacity. The minimum annual license fee for commercially used instrument and device types is twelve dollars (\$12) when licensing a single device.

TABLE 1-A		
DEVICE CODE	KEY	FEE (Not to Exceed)
A	Scales $\leq$ 50 lb	\$6.00
B	Scales $> 50 \leq 1,159$ lb	\$12.00
C	Scales $\geq 1,160 \leq 7,499$ lb	\$24.00
D	Scales $\geq 7,500 \leq 59,999$ lb	\$100.00
E & F	Scales 60,000 lbs or more	\$100.00
G	Motor-fuel device < 20 gpm	\$6.00
H	Meter $\geq 30 < 150$ gpm	\$33.00
I	Meter ≥ 150 gpm	\$40.00
J	LPG dispenser	\$40.00
K & L	LPG temperature compensated	\$60.00
M	Cordage or Fabric meters	\$5.00
N	Natural gas motor fuel devices	\$60.00
O	Bulk oil meter	\$35.00
P	Meter $> 20 \leq 30$ gpm or fuel additive metering devices	\$10.00

(3-15-22)

017. VOLUNTARY INSPECTION OF WEIGHING AND MEASURING INSTRUMENTS AND DEVICES, FEES.

In addition to commercially used weighing and measuring instruments and devices, ~~ISDA the~~ Bureau of Weights and Measures, at the request of an owner or user thereof, may inspect and test non-commercial weighing or measuring instruments or devices to ascertain if they are correct. Any entity making such special request must pay the Bureau of Weights and Measures the cost of the inspection as listed in Section 100. (3-15-22)()

018. LICENSE DISPLAYED.

Any owner or user of commercially used weighing and measuring instruments and devices must display the current annual license for those instruments and devices in a prominent place at the same physical location where those devices are installed or used. In the case of devices installed on vehicles, the license must be carried in the vehicle on which the device is installed. (3-15-22)

019. -- 099. (RESERVED)

100. CHARGES FOR SPECIAL REQUEST TESTING OR EXAMINATION.

01. Mileage Charges. (3-15-22)

a. ~~Fifty-five cents (\$.55) a mile~~ Current state mileage rate for car travel. (3-15-22)()

b. Seventy-five cents (\$.75) a mile for pickup and prover. (3-15-22)

c. Two dollars and fifty cents (\$2.50) a mile for heavy capacity scale trucks. (3-15-22)

02. Fee Collection. Such fees will be collected from place where working and back. Where more than one (1) request is to be handled on same trip, the mileage will be prorated between the parties requesting the service. (3-15-22)

03. Personnel Charges. There will also be an hourly personnel charge of thirty dollars (\$30) per hour per person for special request testing, chargeable during the time of the actual testing and examination of devices and for driving time. (3-15-22)

~~101.—149.~~ (RESERVED)

~~**150. PACKAGING AND LABELING RULES.**~~

~~The application of this rule applies to packages and to commodities in package form, but does not apply to:~~

~~(3-15-22)~~

~~**01. Inner Wrappings.** Inner wrappings not intended to be individually sold to the customer. (3-15-22)~~

~~**02. Shipping Containers.** Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event does this exclusion apply to packages of consumer or non-consumer commodities, as defined herein.~~

~~(3-15-22)~~

~~**03. Auxiliary Containers.** Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity.~~

~~(3-15-22)~~

~~**04. Retail Display Containers.** Containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc., and the tray itself is not intended to be sold).~~

~~(3-15-22)~~

~~**05. Unpackaged Commodities.** Commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, where no package quantities are represented, and where the method of sale is clearly indicated in close proximity to the quantity being sold.~~

~~(3-15-22)~~

~~**06. Open Carriers.** Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this rule.~~

~~(3-15-22)~~

~~151.—169.~~ (RESERVED)

~~**170. IDENTITY.**~~

~~**01. Declaration of Identity — Consumer Package.** A declaration of identity on a consumer package must appear on the principal display panel, and positively identify the commodity in the package by its common or usual name, description, generic term, or the like.~~

~~(3-15-22)~~

~~**02. Parallel Identity Declaration — Consumer Package.** A declaration of identity on a consumer~~

package must appear generally parallel to the base on which the package rests as it is designed to be displayed. (3-15-22)

~~03. Declaration of Identity—Non-Consumer Package.~~ A declaration of identity on a non-consumer package must appear on the outside of a package and positively identify the commodity in the package by its common or usual name, description, generic term, or the like. (3-15-22)

~~04. Declaration of Responsibility—Consumer and Non-Consumer Packages.~~ (3-15-22)

~~a. Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed must specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name must be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address must include street address, city, state, and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the zip code must apply only to labels that have been developed or revised after July 1, 1970.~~ (3-15-22)

~~b. If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name must be qualified by a phrase that reveals the connection such person has with such commodity, such as “Manufactured for and packed by,” “Distributed by,” or any other wording of similar import that expresses the facts.~~ (3-15-22)

~~171. DECLARATION OF QUANTITY—CONSUMER PACKAGES.~~

~~01. Largest Whole Unit.~~ Where this rule requires that the quantity declaration be in terms of the largest whole unit, the declaration must, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in: (3-15-22)

~~a. Common or decimal fractions of such largest whole unit; or~~ (3-15-22)

~~b. The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.~~ (3-15-22)

~~02. Net Quantity.~~ A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity, must appear on the principal display panel of a consumer package and, unless otherwise specified in this rule (see Subsections 171.06 through 171.08) must be in terms of the largest whole unit. (3-15-22)

~~03. Use of “Net Weight.”~~ The term “net weight” must be used in conjunction with the declaration of quantity in terms of weight; the term may either precede or follow the declaration of weight. (3-15-22)

~~04. Lines of Print or Type.~~ A declaration of quantity may appear on one (1) or more lines of print or type. (3-15-22)

~~05. Terms—Weight, Liquid Measures, or Count.~~ The declaration of the quantity of a particular commodity must be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity. (3-15-22)

~~06. Combination Declaration.~~ (3-15-22)

~~a. A declaration of quantity in terms of weight must be combined with appropriate declarations of the measure, count, and size of the individual units unless a declaration of weight alone is fully informative.~~ (3-15-22)

b. A declaration of quantity in terms of measure must be combined with appropriate declarations of the weight, count, and size of the individual units unless a declaration of measure alone is fully informative. (3-15-22)

c. A declaration of quantity in terms of count must be combined with appropriate declarations of the weight, measure, and size of the individual units unless a declaration of count alone is fully informative. (3-15-22)

07. Units—Weight, Measure. A declaration of quantity must be as follows, however provided that in the case of a commodity packed for export shipment, the declaration of quantity may be in terms of the metric system of weight or measure. (3-15-22)

a. In units of weight will be in terms of the avoirdupois pound or ounce; (3-15-22)

b. In units of liquid measure will be in terms of the United States gallon of two hundred thirty-one (231) cubic inches or liquid quart, liquid pint, or fluid ounce subdivisions of the gallon, and shall express the volume at sixty-eight degrees (68 Degrees F), twenty degrees (20 Degrees C), except in the case of petroleum products, for which the declaration must express the volume at sixty degrees (60 Degrees F), fifteen point six degrees (15.6 Degrees C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration must express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration must express the volume at forty degrees (40 Degrees F), four degrees (4 Degrees C); (3-15-22)

c. In units of linear measure must be in terms of the yard, foot, or inch; (3-15-22)

d. In units of area measure, must be in terms of the square yard, square foot, or square inch; (3-15-22)

e. In units of dry measure must be in terms of the United States bushel of two thousand one hundred fifty point forty two (2,150.42) cubic inches, or peck, dry quart, and dry pint subdivisions of the bushel; (3-15-22)

f. In units of cubic measure must be in terms of the cubic yard, cubic foot, or cubic inch. (3-15-22)

08. Abbreviations. Any of the following abbreviations, and none other, may be employed in the quantity statement on a package of commodity. (There normally are no periods following, nor plural forms of, these abbreviations. For example, “oz” is the abbreviation for both “ounce” and “ounces.”)

avoirdupois	-	avdp	quart	-	qt
cubic	-	cu	square	-	sq
feet or foot	-	ft	weight	-	wt
fluid	-	fl	yard	-	yd
gallon	-	gal	cubic centimeter	-	cc
inch	-	in	gram	-	g
liquid	-	liq	kilogram	-	kg
ounce	-	oz	microgram	-	mcg
pint	-	pt	milligram	-	mg
pound	-	lb	milliliter	-	ml

(3-15-22)

09. Units with Two or More Meanings. When the term “ounce” is employed in a declaration of liquid quantity, the declaration must identify the particular meaning of the term by the use of the term “fluid”; however,

such distinction may be omitted when, by association of terms (for example, as in “one (1) pint four (4) ounces”), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration must include the word “dry.” (3-15-22)

172. PRESCRIBED UNITS.

01. ~~Less Than One Foot, One Square Foot, One Pound, or One Pint.~~ The declaration of quantity must be expressed as follows, provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two (2) decimal places: (3-15-22)

a. In the case of length measure of less than one (1) foot, inches, and fractions of inches; (3-15-22)

b. In the case of area measure of less than one (1) square foot, square inches, and fractions of square inches; (3-15-22)

c. In the case of weight of less than one (1) pound, ounces, and fractions of ounces; (3-15-22)

d. In the case of fluid measure of less than one (1) pint, ounces, and fractions of ounces; (3-15-22)

02. ~~Four Feet, Four Square Feet, Four Pounds, One Gallon, or More.~~ (3-15-22)

a. In the case of length measure of four (4) feet or more the declaration of quantity must be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. (3-15-22)

b. In the case of area measure of four (4) square feet or more; (3-15-22)

c. In the case of weight of four (4) pounds or more; (3-15-22)

d. In the case of fluid measure of one (1) gallon or more the declaration of quantity must be expressed in terms of the largest whole unit. (3-15-22)

03. ~~Weight—Dual Quantity Declaration.~~ On packages containing one (1) pound or more but less than four (4) pounds, the declaration must be expressed in ounces and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit, provided, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two (2) decimal places. (3-15-22)

04. ~~Fluid Measure—Dual Quantity Declaration.~~ On packages containing (1) one pint or more but less than one (1) gallon, the declaration must be expressed in ounces and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit. (3-15-22)

05. ~~Length Measure—Dual Quantity Declaration.~~ On packages containing (1) one foot but less than four (4) feet, the declaration must be expressed in inches and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit. (3-15-22)

06. ~~Area Measure—Dual Quantity Declaration.~~ On packages containing (1) one square foot but less than four (4) square feet, the declaration must be expressed in square inches and, in addition, be followed by a declaration in parentheses, expressed in terms of the largest whole unit. (3-15-22)

07. ~~Bidimensional Commodities.~~ For bidimensional commodities (including roll type commodities) the quantity declaration must be expressed: (3-15-22)

a. If less than one (1) square foot, in terms of linear inches and fractions of linear inches; (3-15-22)

~~b. If at least one (1) square foot but less than four (4) square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit, provided, that: (3-15-22)~~

~~i. No square inch declaration is required for a bidimensional commodity of four (4) inches width or less; (3-15-22)~~

~~ii. A dimension of less than two (2) feet may be stated in inches within the parenthetical; and (3-15-22)~~

~~iii. Commodities consisting of usable individual units (except roll type commodities with individual usable units created by perforations, see Subsection 173.03) require a declaration of unit area but not a declaration of total area of all such units. (3-15-22)~~

~~c. If four (4) square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit, provided that: (3-15-22)~~

~~i. No declaration in square feet is required for a bidimensional commodity with a width of four (4) inches or less; (3-15-22)~~

~~ii. A dimension of less than two (2) feet may be stated in inches within the parenthetical; and (3-15-22)~~

~~iii. No declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label. (3-15-22)~~

173. POLYETHYLENE SHEETING.

~~01. Packages. All packages of polyethylene sheeting must be labeled as to quantity in accordance with the following: (3-15-22)~~

~~a. Actual length; (3-15-22)~~

~~b. Actual width; (3-15-22)~~

~~c. Actual thickness; and (3-15-22)~~

~~d. Actual weight of each individual unit. (3-15-22)~~

~~02. Bulk. All polyethylene sold from bulk must be accompanied by a delivery ticket with the following information: (3-15-22)~~

~~a. The identity; (3-15-22)~~

~~b. Actual length, width, thickness, and weight of each individual unit; (3-15-22)~~

~~c. The number of individual units; (3-15-22)~~

~~d. The total weight of all the units; (3-15-22)~~

~~e. The name and address of both the vendor and purchaser; and (3-15-22)~~

~~f. The date delivered or the date shipped. (3-15-22)~~

~~03. Count — Ply. If the commodity is in individually usable units of one (1) or more components or ply, the quantity declaration must, in addition to complying with other applicable quantity declaration requirements of~~

~~this rule, include the number of ply and the total number of usable units. Roll type commodities, when perforated so as to identify individual usable units, must not be deemed to be made up of usable units; however, such roll type commodities must be labeled in terms of:~~ (3-15-22)

- ~~a. Total area measurement; (3-15-22)~~
- ~~b. Number of ply; (3-15-22)~~
- ~~c. Count of usable units; and (3-15-22)~~
- ~~d. Dimensions of a single usable unit. (3-15-22)~~

~~04. Fractions. A statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction must be in terms of halves (1/2), quarters (1/4), eighths (1/8), sixteenths (1/16), or thirty seconds (1/32), except that:~~ (3-15-22)

~~a. If there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed; and (3-15-22)~~

~~b. If linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds (1/3). A common fraction must be reduced to its lowest terms; a decimal fraction must not be carried out to more than two (2) places. (3-15-22)~~

~~174. SUPPLEMENTARY DECLARATIONS.~~

~~01. Supplementary Quantity Declarations. The required quantity declaration may be supplemented by one (1) or more accurate declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents must not include any terms qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "full" gallon, "when packed," "minimum," or words of similar import). (3-15-22)~~

~~02. Metric System Declarations. A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels. The metric system may be used as provided for by Section 71-229, Idaho Code, in lieu of the traditional system of weights and measures by substituting the proper metric terms where applicable in these rules. (3-15-22)~~

~~03. Qualification of Declaration Prohibited. In no case will any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity. (3-15-22)~~

~~175.—179. (RESERVED)~~

~~180. DECLARATION OF QUANTITY—NON-CONSUMER PACKAGES.~~

~~01. Location. Non consumer packages must bear on the outside a declaration of the net quantity of contents. Such declaration must be in terms of the largest whole unit (see Subsection 171.01 Largest Whole Unit). (3-15-22)~~

~~02. Terms—Weight, Liquid Measure, or Count. The declaration of the quantity of a particular commodity must be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity. (3-15-22)~~

- ~~03. Units—Weight, Measure.~~ A declaration of quantity: (3-15-22)
- ~~a.~~ In units of weight must be in terms of the avoirdupois pound or ounce; (3-15-22)
- ~~b.~~ In units of liquid measure must be in terms of the United States gallon of two hundred thirty-one (231) cubic inches or liquid quart, liquid pint, or fluid ounce subdivisions of the gallon, and must express the volume at sixty-eight (68) degrees F, twenty (20) degrees C, except in the case of petroleum products, for which the declaration must express the volume at sixty (60) degrees F, fifteen point six (15.6) degrees C, and except also in the case of a commodity that is normally sold and consumed while frozen for which the declaration must express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration must express the volume at forty (40) degrees F, four (4) degrees C; (3-15-22)
- ~~c.~~ In units of linear measure must be in terms of the yard, foot, or inch; (3-15-22)
- ~~d.~~ In units of area measure, must be in terms of the square yard, square foot, or square inch; (3-15-22)
- ~~e.~~ In units of dry measure shall be in terms of the United States bushel of two thousand one hundred fifty and forty-two one hundredths (2,150.42) cubic inches, or peck, dry quart and dry pint subdivisions of the bushel; (3-15-22)
- ~~f.~~ In units of cubic measure must be in terms of the cubic yard, cubic foot, or cubic inch, provided that nothing in this subsection prohibits the labeling of non-consumer packages in terms of units on the metric system. (3-15-22)
- ~~04. Abbreviations.~~ Any generally accepted abbreviation of a unit name may be employed in the quantity statement on a non-consumer package of commodity. (For commonly accepted abbreviations, see Subsection 171.08, Abbreviations.) (3-15-22)
- ~~05. Character of Declaration—Average.~~ The average quantity of contents in the non-consumer package of a particular lot, shipment, or delivery must at least equal the declared quantity, and no unreasonable shortage in any package is permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. (3-15-22)
- ~~181.—199. (RESERVED)~~
- ~~200. PROMINENCE AND PLACEMENT—CONSUMER PACKAGES.~~
- ~~01. General.~~ All information required to appear on a consumer package must appear thereon in the English language and be prominent, definite, and plain, and be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script must be entirely clear and equal to printing in legibility. (3-15-22)
- ~~02. Location.~~ The declaration or declarations of quantity of the contents of a package must appear in the bottom thirty percent (30%) of the principal display panel or panels, except as otherwise provided in Subsection 220.07, Cylindrical Containers. (3-15-22)
- ~~03. Style of Type or Lettering.~~ The declaration or declarations of quantity must be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface. (3-15-22)
- ~~04. Color Contrast.~~ The declaration or declarations of quantity must be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is not required to be presented in a contrasting color if no required label information is on the surface in a contrasting color. (3-15-22)

05. ~~Free Area.~~ The area surrounding the quantity declaration must be free of printed information as follows: (3-15-22)

a. Above and below, by a space equal to at least the height of the lettering in the declaration; and (3-15-22)

b. To the left and right, by a space equal to twice the width of the letter “N” of the style and size of type used in the declaration. (3-15-22)

06. ~~Parallel Quantity Declaration.~~ The quantity declaration must be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed. (3-15-22)

07. ~~Calculation of Area of Principal Display Panel for Purposes of Type Size.~~ The square inch area of the principal display panel must be as follows: (3-15-22)

a. In the case of a rectangular container, one (1) entire side, which properly can be considered to be the principal display panel, the product of the height times the width of that side; (3-15-22)

b. In the case of a cylindrical or nearly cylindrical container, forty percent (40%) of the product of the height of the container times the circumference; or (3-15-22)

c. In the case of any other shaped container, forty percent (40%) of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area must consist of the entire such surface. (3-15-22)

d. Determination of the principal display panel excludes tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. (3-15-22)

08. ~~Minimum Height of Numbers and Letters.~~ The height of any letter or number in the required quantity declaration must be not less than that shown in Subsection 200.10, Table 1 with respect to the square inch area of the panel, and the height of each number of a common fraction must meet one half (1/2) the minimum height standards. (3-15-22)

09. ~~Numbers and Letters—Proportion.~~ No number or letter may be more than three (3) times as high as it is wide. (3-15-22)

10. ~~Minimum Height of Numbers and Letters—Table 1.~~

Square-inch Area of Principal Display Panel	Minimum Height of Numbers and Letters	Minimum Height: Label Information Blown, Formed, or Molded on Surface of Container
5 square inches and less	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 square inches.	inch	3/16 inch
Greater than 25 square inches and not greater than 100 square inches.	3/16 inch	1/4 inch
Greater than 100 square inches and not greater than 400 square inches.	1/4 inch	5/16 inch
Greater than 400 square inches.	1/2 inch	9/16 inch

(3-15-22)

~~201.—209. (RESERVED)~~

~~210. PROMINENCE AND PLACEMENT—NON CONSUMER PACKAGES GENERAL.~~

~~All information required to appear on a non-consumer package must be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script must be entirely clear and equal to printing in legibility.~~ (3-15-22)

~~211.—219. (RESERVED)~~

~~220. REQUIREMENTS—SPECIFIC CONSUMER COMMODITIES, PACKAGES, CONTAINERS.~~

~~01. Display Card Package.~~ For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card. (3-15-22)

~~02. Eggs.~~ When cartons containing twelve (12) eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration must be so positioned as to have its context destroyed when the carton is divided. (3-15-22)

~~03. Aerosols and Similar Pressurized Containers.~~ The declaration of quantity on an aerosol package, and on a similar pressurized package, must disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed. (3-15-22)

~~04. Multi-Unit Packages.~~ Any package containing more than one (1) individual “commodity in package form” (see Subsection 151.01) of the same commodity must bear on the outside of the package a declaration of the following: (3-15-22)

~~a. The number of individual units; (3-15-22)~~

~~b. The quantity of each individual unit; and (3-15-22)~~

~~c. The total quantity of the contents of the multi unit package, provided, that the requirement for a declaration of the total quantity of contents of a multi-unit package must be effective with respect to those labels revised after the effective date of this rule. Any such declaration of total quantity is not required to include the parenthetical quantity statement of a dual quantity representation. (3-15-22)~~

~~05. Combination Packages.~~ Any package containing individual units of dissimilar commodities (such as an antiquing kit, for example) must bear on the label of the package a quantity declaration for each unit. (3-15-22)

~~06. Variety Packages.~~ Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) must bear on the label of the package a declaration of the total quantity of commodity in the package. (3-15-22)

~~07. Cylindrical Containers.~~ In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel must appear within that forty percent (40%) of the circumference that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. (3-15-22)

~~221.—229. (RESERVED)~~

~~230. MEASUREMENT OF CONTAINER TYPE COMMODITIES, HOW EXPRESSED.~~

~~01. General.~~ Commodities designed and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, must be labeled with the declaration of net quantity as follows: (3-15-22)

~~a. For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether~~

packaged in a perforated roll or otherwise). (3-15-22)

b. When the unit bag is characterized by two (2) dimensions because of the absence of a gusset, the width and length will be expressed in inches, except that a dimension of two (2) feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 bags, 17 in x 20 in" or "100 bags, 20 in x 2 ft 6 in" or "50 bags, 20 in x 2 1/2 ft"). (3-15-22)

c. When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length, in terms of inches, except that any dimension of two (2) feet or more will be expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: "25 bags, 17 in x 4 in x 20 in" or "100 bags, 20 in x 12 in x 2 1/2 ft"). (3-15-22)

d. For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than two (2) inches. (Example: "2 cake pans, 8 in x 8 in" or "roasting pan, 12 in x 8 in x 3 in"). (3-15-22)

e. For circular or other generally round shaped containers, except cups, and the like in terms of count followed by diameter and depth, except depth need not be listed when less than two (2) inches. (Example: "4 pie pans, 8 in diameter x 4 in"). (3-15-22)

02. Capacity. When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references must be a part of the net quantity statement and must specify capacity as follows: (3-15-22)

a. Liquid measure for containers that are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce), with any remainder in terms of the common or decimal fraction of that unit. (Example: Freezer Boxes "4 boxes, 1-qt capacity, 5 in x 4 in x 3 in"). (3-15-22)

b. Dry measure for containers that are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with any remainder in terms of the common or decimal fraction of that unit. (Example: Leaf bags "8 bags, 6 bushel capacity, 3 ft x 5 ft"). (3-15-22)

c. Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent container. (Example: Garbage Can Liners "10 liners, 2 ft 6 in x 3 ft 9 in, fits up to 30-gallon cans"). (3-15-22)

d. Notwithstanding the above requirements, the net quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Example: "24 cups, 6 fl oz capacity"). For purposes of this section, the use of the terms "capacity," "diameter," and "fluid" is optional. (3-15-22)

~~231. 239.~~ (RESERVED)

240. TEXTILE PRODUCTS, THREADS, AND YARNS.

01. Wearing Apparel. Wearing apparel (including non-textile apparel and accessories such as leather goods and footwear) sold as single unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single unit pairs, is exempt from the requirements for a net quantity statement by count, as required by Subsection 171.05 of this rule. (3-15-22)

02. Textiles. Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture scarfs, tablecloths and napkins, flags, curtains, drapes, dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., are exempt from the requirements of Subsection 172.07 of this rule, provided that: (3-15-22)

a. The quantity statement for fitted sheets and mattress covers must state, in inches, the length and

~~width of the mattress for which the item is designed, such as “twin,” “double,” “king,” etc. (Example: “Twin Fitted Sheet for thirty nine by seventy five (39 x 75) inch mattress”)~~ (3-15-22)

~~**b.** The quantity statement for flat sheets must state the size designation of the mattress for which the sheet is designed, such as “twin,” “double,” “king,” etc. The quantity statement also must state, in inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in inches, of the length and width of the sheet before hemming. (Example: “Double Flat Sheet for fifty four by seventy five (54 x 75) inch mattress (eighty one by one hundred four (81 x 104) inch before hemming”)~~ (3-15-22)

~~**c.** The quantity statement for pillowcases must state the size designation of the pillow for which the pillowcase is designed, such as “youth,” “standard,” and “queen,” etc. The quantity statement also must state, in inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in inches, of the length and width of the pillowcase before hemming. (Example: “Standard Pillowcase for twenty by twenty six (20 x 26) inch pillow (forty two by thirty six (42 x 36) inch before hemming”)~~ (3-15-22)

~~**d.** The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws must state, in inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as “twin,” “double,” “king,” etc.~~ (3-15-22)

~~**e.** The quantity statement for tablecloths and napkins must state, in inches, the length and width of the finished item. The quantity statement also may state parenthetically, in inches, the length and width of the items before hemming and properly identified as such.~~ (3-15-22)

~~**f.** The quantity statement for curtains, drapes, flags, furniture scarfs, etc., must state, in inches, the length and width of the finished item. The quantity statement also may state parenthetically, in inches, the length of any ornamentation.~~ (3-15-22)

~~**g.** The quantity statement for carpets and rugs must state, in feet, with any remainder in common or decimal fractions of the foot or in inches, the length and width of the item. The quantity statement also may state parenthetically, in inches, the length of any ornamentation.~~ (3-15-22)

~~**h.** The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etc., must state, in inches, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions.~~ (3-15-22)

~~**i.** The quantity statement for textile products such as pot holders, fixture and appliance covers, non-rectangular diapers, slip covers, etc., must be stated in terms of count and may include size designations and dimensions.~~ (3-15-22)

~~**j.** The quantity statement for other than rectangular textile products identified in Subsections 240.02.a. through 240.02.h. must state the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape. (Example: “Oval Tablecloth fifty four by forty two (54x42) inch” representing the maximum length and width in this case).~~ (3-15-22)

~~**k.** The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, must be accompanied by the term “irregular dimensions” and the minimum size of such remnants.~~ (3-15-22)

~~**03. Textiles—Variations from Declared Dimensions.**~~ (3-15-22)

~~**a.** For an item with no declared dimension less than twenty four (24) inches, a minus variation greater than three percent (3%) of a declared dimension and a plus variation greater than six percent (6%) of a declared dimension should be considered unreasonable.~~ (3-15-22)

~~**b.** For an item with a declared dimension less than twenty four (24) inches, a minus variation greater than six percent (6%) of a declared dimension and a plus variation greater than twelve percent (12%) of a declared dimension should be considered unreasonable.~~ (3-15-22)

04. ~~Exemption—Variety Textile Packages.~~ Variety packages of textiles which are required by reason of Subsection 171.06 to provide a combination declaration stating the quantity of each individual unit, are exempt from the requirements in this rule for the following: (3-15-22)

- a.** Location (see Subsection 200.02); or (3-15-22)
- b.** Free area (see Subsection 200.05); or (3-15-22)
- c.** Minimum height of numbers and letters. (see Subsection 200.08). (3-15-22)

05. ~~Sewing Threads, Handicraft Threads, and Yarns.~~ Sewing and handicraft threads are exempt from the requirements of Subsections 172.02.a. through 172.02.d. of this rule, provided that: (3-15-22)

- a.** The net quantity statement for sewing and handicraft threads must be expressed in terms of yards. (3-15-22)
- b.** The net quantity statement for yarns must be expressed in terms of weight. (3-15-22)
- c.** Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, must be filed with the Director. (3-15-22)
- d.** Each unit of industrial thread must be marked to show its net measure in terms of yards or its net weight in terms of avoirdupois pounds or ounces, except that ready-wound bobbins which are not sold separately, shall not be required to be individually marked but the package containing such bobbins must be marked to show the number of bobbins contained therein and the net yards of thread on each bobbin. (3-15-22)

241.—249. (RESERVED)

250. EXEMPTIONS.

01. ~~General.~~ Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package must be in terms of the largest whole unit (except see Subsection 220.04.e., Multi Unit Packages). (3-15-22)

02. ~~Random Packages.~~ A random package bearing a label conspicuously declaring: (3-15-22)

- a.** The net weight; (3-15-22)
- b.** The price per pound, or other unit of weight, measure or count; and (3-15-22)
- c.** The total price is exempt from the type size, dual declaration, placement, and free area requirements of this rule. In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail. This exemption also applies to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section. (3-15-22)

03. ~~Small Confections.~~ Individually wrapped pieces of “penny candy” and other confectionery of less than one-half (1/2) ounce net weight per individual piece is exempt from the labeling requirements of this rule when the container in which such confectionery is shipped is in conformance with the labeling requirements of this rule. Similarly, when such confectionery items are sold in bags or boxes, such items are exempt from the labeling requirements of this rule including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this rule. (3-15-22)

04. ~~Individual Servings.~~ Individual serving-size packages of foods containing less than one-half (1/2)

~~ounce or less than one-half (1/2) fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, are exempt from the required declaration of net quantity of contents specified in this rule.~~

~~(3-15-22)~~

~~**05. Cuts, Plugs, and Twists of Tobacco and Cigars.** When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this rule, such individual cuts, plugs, and twists of tobacco and cigars are exempt from such labeling requirements.~~

~~(3-15-22)~~

~~**06. Reusable (Returnable) Glass Containers.** Nothing in this rule is deemed to preclude the continued use of reusable (returnable) glass containers; provide, that such glass containers ordered after the effective date of this rule must conform to all requirements of this rule.~~

~~(3-15-22)~~

~~**07. Cigarettes and Small Cigars.** Cartons of cigarettes and small cigars, containing ten (10) individual packages of twenty (20), labeled in accordance with the requirements of this rule are exempt from the requirements set forth in Subsection 200.02, Location, Subsection 200.08, Minimum Height of Numbers and Letters, and Subsection 220.04, Multi Unit Packages, provided that such cartons bear a declaration of the net quantity of commodity in the package.~~

~~(3-15-22)~~

~~**08. Packaged Commodities with Labeling Requirements Specified in Federal Law.** Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, alcoholic beverages, and seeds are exempt from the requirements set forth in Subsection 172.03, Weight: Dual Quantity Declaration; Subsection 172.04, Fluid Measure: Dual Quantity Declaration; Subsection 172.05, Length Measure: Dual Quantity Declaration; Subsection 172.06, Area Measure: Dual Quantity Declaration; Subsection 200.02, Location; and Subsection 200.08, Minimum Height of Numbers and Letters, provided that quantity labeling requirements for such products are specified in Federal Law, so as to follow reasonably sound principles of providing consumer information.~~

~~(3-15-22)~~

~~**09. Fluid Dairy Products, Ice Cream, and Similar Frozen Desserts.**~~

~~(3-15-22)~~

~~**a.** When packaged in one-half (1/2) liquid pint and one-half (1/2) gallon containers, are exempt from the requirements for stating net contents of eight (8) fluid ounces and sixty four (64) fluid ounces, which may be expressed as one-half (1/2) pint and one-half (1/2) gallon, respectively.~~

~~(3-15-22)~~

~~**b.** When packaged in one (1) liquid pint, one (1) liquid quart, and one-half (1/2) gallon containers, are exempt from the dual net contents declaration requirements of Subsection 172.04, Fluid Measure: Dual Quantity Declaration.~~

~~(3-15-22)~~

~~**c.** When measured by and packaged in one-half (1/2) liquid pint, one (1) liquid pint, one (1) liquid quart, one-half (1/2) gallon and one (1) gallon measure containers as defined in "Measure Container Code of National Bureau of Standards, or its successor organization, the National Institute of Standards and Technology, Handbook 44," are exempt from the requirement of Subsection 200.02, Location, that the declaration of net contents be located within the bottom thirty percent (30%) of the principal display panel.~~

~~(3-15-22)~~

~~**d.** Milk and milk products when measured by and packaged in glass or plastic containers of one-half (1/2) liquid pint, one (1) liquid pint, one (1) liquid quart, one-half (1/2) gallon, and one (1) gallon capacities are exempt from the placement requirement of Subsection 200.02, Location, that the declaration of net contents be located within the bottom thirty percent (30%) of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.~~

~~(3-15-22)~~

~~**10. Single Strength and Less Than Single Strength Fruit Juice Beverages, Imitations Thereof, and Drinking Water.**~~

~~(3-15-22)~~

~~**a.** When packaged in glass, plastic, or fluid milk type paper containers of eight (8) and sixty four (64) fluid ounce capacity, are exempt from the requirements of Subsection 171.07.b., Units: Weight, Measure, to the~~

extent that net contents of eight (8) fluid ounces and sixty-four (64) fluid ounces (or two (2) quarts) may be expressed as one half (1/2) pint (or half pint) and one half (1/2) gallon (or half gallon), respectively. (3-15-22)

b. When packaged in glass, plastic, or fluid milk type paper containers of one (1) pint, one (1) quart, and one half (1/2) gallon capacities, are exempt from the dual net contents declaration requirements of Subsection 172.04, Fluid Measure: Dual Quantity Declaration. (3-15-22)

e. When packaged in glass or plastic containers of one half (1/2) pint, one (1) pint, one (1) quart, one (1/2) gallon, and one (1) gallon capacities, are exempt from the placement requirement of Subsection 200.02, Location, that the declaration of net contents be located within the bottom thirty percent (30%) of the principal display panel; provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container. (3-15-22)

11. Soft Drink Bottles. Bottles of soft drinks are exempt from the placement requirements for the declaration of: (3-15-22)

a. Identity, when such declaration appears on the bottle closure; and (3-15-22)

b. Quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this rule appears only on the bottle closure. (3-15-22)

12. Multi Unit Soft Drink Packages. Multi unit packages of soft drinks are exempt from the requirement for a declaration of: (3-15-22)

a. Responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside; and (3-15-22)

b. Identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging. (3-15-22)

13. Butter. When packaged in four (4) ounce, eight (8) ounce, and one (1) pound units with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (Subsection 170.01) and the net quantity declaration (Subsection 200.06) be generally parallel to the base of the package. When packaged in eight (8) ounce and one (1) pound units, butter is exempt from the requirement for location (Subsection 200.02) of net quantity declaration and, when packaged in one (1) pound units, is exempt from the requirement for dual quantity declaration (Subsection 172.03). (3-15-22)

14. Eggs. Carton containing twelve (12) eggs are exempt from the requirement for location (Subsection 200.02) of net quantity declaration. When such cartons are designed to permit division in half, each half (1/2) are exempt from the labeling requirements of this rule if the undivided carton conforms to all such requirements. (3-15-22)

15. Flour. Packages of wheat flour packaged in units of two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) pounds are exempt from the requirement in this rule or location (Subsection 200.02) of the net quantity declaration and, when packaged in units of two (2) pounds, are exempt also from requirement for a dual quantity declaration (Subsection 172.03). (3-15-22)

16. Small Packages. On a principal display panel of five (5) square inches or less, the declaration of quantity need not appear in the bottom thirty (30%) of the principal display panel if that declaration satisfies the other requirements of this rule. (3-15-22)

17. Decorative Containers. The principal display panel of a cosmetic marketed in a "boudoir type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one fourth (1/4) ounce or less, may be a tear away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this rule. (3-15-22)

- 18. ~~Combination Packages.~~** Combination packages are exempt from the requirements in this rule for:
(3-15-22)
- a. ~~Location~~** (see Subsection 200.02); (3-15-22)
- b. ~~Free area~~** (see Subsection 200.05); and (3-15-22)
- c. ~~Minimum height of numbers and letters~~** (see Subsection 200.08). (3-15-22)
- 19. ~~Margarine.~~** Margarine in one (1) pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four (4) sticks, is exempt from the requirement in this rule for location (see Subsection 200.02) of the net quantity declaration, and is exempt from the requirement for a dual quantity declaration (see Subsection 172.03). (3-15-22)
- 20. ~~Corn Flour.~~** Corn flour packaged in conventional five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) pound bags is exempt from the requirement in this rule for location (see Subsection 200.02) of the net quantity declaration. (3-15-22)
- 21. ~~Prescription and Insulin Containing Drugs.~~** Prescription and insulin containing drugs subject to the provisions of Section 503(b)(1) or 506 of the Federal Food, Drug, and Cosmetic Act are exempt from the provisions of this rule. (3-15-22)
- 22. ~~Camera Film.~~** Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of this rule which specify how measurement of commodities should be expressed, provided that: (3-15-22)
- a. ~~The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of lineal feet of usable film contained therein.~~** (3-15-22)
- b. ~~The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 x 24 mm" or "12 exposures, 2-1/4 x 2-1/4 in").~~** (3-15-22)
- 23. ~~Paints and Kindred Products.~~** Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in one (1) liquid pint and one (1) liquid quart units are exempt from the dual quantity declaration requirements of Subsection 172.04. (3-15-22)
- 24. ~~Automotive Cooling System Antifreeze.~~** Antifreeze, when packed in one (1) liquid quart units, in metal or plastic containers, is exempt from the dual quantity declaration requirements of Subsection 172.04. (3-15-22)
- 25. ~~Motor Oils.~~** Motor oils, when packed in one (1) liquid quart units, are exempt from the dual quantity declaration requirements of Subsection 172.04. Additionally, motor oil in one (1) liquid quart, one (1) gallon, one and one fourth (1-1/4) gallon, two (2) gallon, and two and one half (2-1/2) gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements of Subsection 170.01 through 170.03. Identity, to the extent that the SAE grade is required to appear on the principal display panel, provided the SAE grade appears on the can lid and is expressed in letters and numerals in type size of at least one fourth (1/4) inch. (3-15-22)
- 251.—259. (RESERVED)**
- 260. ~~VARIATIONS TO BE ALLOWED.~~**
- 01. ~~Packaging Variations.~~** (3-15-22)

~~a. Variations from Declared Net Quantity. Variations from the declared net weight, measure, or count are permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations are not permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package is permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity may not be unreasonably large.~~ (3-15-22)

~~b. Variations Resulting from Exposure. Variations from the declared weight or measure are permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce, provided that the phrase "introduced into intrastate commerce" as used in this paragraph must be construed to define the time and the place at which the first sale and delivery of a package is made within the state, the delivery being either:~~ (3-15-22)

~~i. Directly to the purchaser or to his agent; or~~ (3-15-22)

~~ii. To a common carrier for shipment to the purchaser, and this paragraph must be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations are not permitted.~~ (3-15-22)

~~02. Magnitude of Permitted Variations. The magnitude of variations permitted under Section 260 of this rule must, in the case of any shipment, delivery, or lot, be determined by the facts in the individual case.~~ (3-15-22)

~~261.—269. (RESERVED)~~

~~270. MISLEADING PACKAGES.~~

~~No commodity in package form may be so wrapped, nor be in a container so made, formed, or filled as to mislead the purchaser as to the quantity of the package, and the contents of a container must not fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the Director.~~ (3-15-22)

~~271. ADVERTISING PACKAGES FOR SALE.~~

~~Whenever a packaged commodity is advertised in any manner with the retail price stated, there must be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or rule to appear on the package. Where a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement. And provided further, that there must not be included as part of the package declaration required under this section such qualifying terms as "when packed," "minimum," "not less than," or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in the package.~~ (3-15-22)

~~272.—299. (RESERVED)~~

~~300. PETROLEUM PRODUCTS.~~

~~01. Liquefied Petroleum. Liquefied petroleum gas is considered to be a petroleum product and must be sold only by weight or liquid measure as provided in Sections 71-232 and 71-241, Idaho Code, of the Idaho Weights and Measures Law.~~ (3-15-22)

~~02. Metering System Installation. A liquefied petroleum gas metering system installation must be complete, that is, so installed to insure that liquefied petroleum gas is maintained in a liquid state while being metered. This includes an adequate means for vapor elimination upstream of meter and a properly installed and functioning differential valve downstream from meter.~~ (3-15-22)

~~03. Maintaining Scales. Scales used for liquefied petroleum gas bottle filling must be maintained in an~~

adequate and accurate functioning condition. This means the periodic checking by a competent scale repairman, and checked regularly by your company's serviceman for any foreign material and clearances around lever system and working parts. Scales must be installed so that they are protected against weather effects so that weight value indicating elements can be accurately read. (3-15-22)

04. Gauge Stick Measurement. Petroleum products are not to be sold by gauge stick measurement. (3-15-22)

05. Single Meters. Trucks with a single meter which are used to meter oils and gasolines must be calibrated and adjusted on one of the following only: furnace or heating oils, diesel fuels, kerosene and/or high flash solvents. (3-15-22)

06. Compressed Natural Gas. All compressed natural gas kept, offered or exposed for sale and sold at retail as a vehicle fuel must be measured in terms of mass, and indicated in gasoline gallon equivalent (GGE), diesel gallon equivalent (DGE) units, or mass. (3-15-22)

07. Liquefied Natural Gas. All liquefied natural gas kept, offered, or exposed for sale and sold at retail as a vehicle fuel must be measured in terms of mass, and indicated in diesel gallon equivalent (DGE) units, or mass. (3-15-22)

301.—349. (RESERVED)

350. SALE AND LABELING OF GASOLINE WHICH CONTAINS OXYGENATES.

01. Pump Labeling Requirements. (3-15-22)

a. All spark ignition engine fuel kept, offered, or exposed for sale, or sold, at retail containing at least one percent (1%) by volume and not more than ten percent (10%) by volume of any oxygenate or combination of oxygenates must be identified as "with" or "containing" (or similar wording) the specific type of oxygenate(s) in the engine fuel. For example, the label may read "contains ethanol" or "with MTBE/ETBE." This information must be posted on the upper fifty percent (50%) of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least one half (1/2) inch in height, one sixteenth (1/16) inch stroke (width of type). (3-15-22)

b. The labels are to be furnished by the retail owner or operator. (3-15-22)

02. Oxygenates Content Labels. (3-15-22)

a. The label must have letters in bold face, block not less than one half (1/2) inch high. The lettering must be in black on a contrasting background. Both colors must be non-fade. (3-15-22)

b. The label must be displayed on both faces of the dispenser on the upper one half (1/2) of the dispenser as near the unit price display as practical. (3-15-22)

03. Documentation for Dispenser Labeling Purposes. The retailer must be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of any oxygenate or combination of oxygenates present in concentrations of at least one percent (1%) by volume of the fuel. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. (3-15-22)

04. Fuel Specifications for Gasoline and Gasoline Oxygenate Blends. (3-15-22)

a. The version of ASTM D 4814 "Standard Specification for Automotive Spark Ignition Engine Fuel" incorporated by reference in this rule is the standard for gasoline and gasoline oxygenate blends, except the volatility standards for unleaded gasoline blended with ethanol must not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency. Gasoline blended with ethanol must be blended under any of the following three (3) options. (3-15-22)

- i. The base gasoline used in such blends must meet the requirements of ASTM D 4814, or (3-15-22)
- ii. The blend must meet the requirements of ASTM D 4814, or (3-15-22)
- iii. The base gasoline used in such blends must meet all the requirements for gasoline of ASTM D 4814 except distillation, and the blend must meet the distillation requirements of the ASTM specification. (3-15-22)
- b. Blends of gasoline and ethanol must not exceed the ASTM D 4814 vapor pressure standard by more than one point zero (1.0) psi. (3-15-22)

351. BIODIESEL. Identification and labeling requirements for biodiesel. (3-15-22)

01. Identification of Product. Biodiesel and biodiesel blends must be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel. (Examples: B10, B20, B100). (3-15-22)

02. Labeling of Retail Dispensers. Each retail dispenser of biodiesel or biodiesel blend containing more than five percent (5%) must be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with the either "biodiesel" or "biodiesel blend." (Examples: B10 biodiesel, B20 biodiesel blend). (3-15-22)

a. The label must have letters in bold face block not less than one-half (1/2) inch high, with the lettering clearly legible on a contrasting background. (3-15-22)

b. The label must be displayed on both faces of the dispenser on the upper one-half (1/2) of the dispenser as near the unit price display as practical. (3-15-22)

03. Documentation for Dispenser Labeling Purposes. (3-15-22)

a. The retailer must be provided a declaration of the volume percent of the biodiesel on an invoice, bill of lading, shipping paper, or other document, at the time of delivery of the fuel. (3-15-22)

b. This documentation is for dispenser labeling purposes only; it is the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to blending. (3-15-22)

04. Exemption. Biodiesel blends containing five percent (5%) or less biodiesel by volume are exempted from the requirements of Section 351 of this rule. (3-15-22)

~~352.~~ 399. (RESERVED)

400. UNATTENDED VENDING MACHINES.

01. Vending Machine Displays. Any coin or currency operated device which automatically dispenses consumer commodities or consumer packages without a full time attendant must clearly display a sign or signs showing the following facts: (3-15-22)

a. The name of the commodity or commodities dispensed; (3-15-22)

b. The brand name or names of the commodity or commodities dispensed; (3-15-22)

c. A statement of the quantity of each commodity or package to be dispensed through the device, except that this paragraph does not apply to candy bars, gum, or cigarettes; (3-15-22)

d. The name, city, street address, state, and telephone number of the local distributor or operator of such device. (3-15-22)

02. Units of Measurement. The units of measure used on such sign in the statement of quantity are the standard units as prescribed by the Idaho Weights and Measures Law and the rules of this chapter. (3-15-22)

401.—449. (RESERVED)

~~450. REGISTRATION OF SERVICEMEN AND SERVICE AGENCIES FOR COMMERCIAL WEIGHING AND MEASURING DEVICES.~~

01. Policy. It is the policy of the Director of the Department of Agriculture or the Director's duly authorized agent, hereinafter referred to as "Director," to accept voluntary registration of (a) an individual and (b) an agency that provides acceptable evidence that he or it is fully qualified to install, service, repair or recondition a commercial weighing or measuring device; has a thorough working knowledge of all appropriate weights and measures laws, orders, rules; and has possession of, or available for use, weights and measures standards and testing equipment appropriate in design and adequate in amount. (An employee of government shall not be eligible for registration). This policy in no way precludes or limits the right and privilege of any qualified individual or agency not registered with the Director to install, service, repair, or recondition a commercial weighing or measuring device. (3-15-22)

02. Reciprocity. The Director may enter into an informal reciprocal agreement with any other state or states that has or have similar voluntary registration policies. Under such agreement, the registered servicemen and the registered service agencies of the state's party to the reciprocal agreement are granted full reciprocal authority, including reciprocal recognition of certification of standards and testing equipment, in all states party to such agreement. (3-15-22)

03. Voluntary Registration. An individual or agency may apply for voluntary registration to service weighing devices or measuring devices on an application form supplied by the Director. Said form, duly signed and witnessed, must include certification by the applicant that the individual or agency is fully qualified to install, service, repair, or recondition whatever devices for the service of which competence is being registered; has in possession, or available for use, all necessary testing equipment and standards; and has full knowledge of all appropriate weights and measures laws, orders, rules and regulations. An applicant must also submit appropriate evidence or references as to qualifications. (3-15-22)

04. Certificate of Registration. Upon receipt and acceptance of a properly executed application form, the Director will issue to the applicant a "Certificate of Registration," including an assigned registration number, which will remain effective until either returned by the applicant or withdrawn by the Director. (3-15-22)

05. Privileges of a Voluntary Registrant. A bearer of a Certificate of Registration has the authority to remove an official rejection tag or mark placed on a weighing or measuring device by the authority of the Director; place in service, until such time as an official examination can be made, a weighing or measuring device that has been officially rejected; and place in service, until such time as an official examination can be made, a new or used weighing or measuring device. (3-15-22)

06. Placed in Service Report. The Director will furnish each registered serviceman and registered service agency with a supply of report forms to be known as "Placed in Service Reports." Such a form will be executed in triplicate, include the assigned registration number, and be signed by a registered serviceman or by a serviceman representing a registered agency for each rejected device restored to service and for each newly installed device placed in service. Within twenty four (24) hours after a device is restored to service, or placed in service, the original of the properly executed Placed in Service Report, together with any official rejection tag removed from the device, must be mailed to the Director at The Idaho State Department of Agriculture, Bureau of Weights and Measures, 2216 Kellogg Lane, Boise, Idaho, 83712. The duplicate copy of the report must be handed to the owner or operator of the device, and the triplicate copy of the report must be retained by the registered serviceman or agency. Also, a copy of a test report on the form used by the Bureau of Weights and Measures or a form approved by the Bureau of Weights and Measures must be submitted to the Bureau of Weights and Measures, 2216 Kellogg Lane, Boise, Idaho, 83712, on livestock, vehicle and mono-rail scales. (3-15-22)

07. Standards and Testing Equipment. A registered serviceman and a registered service agency must

~~submit, at least biennially, or as directed, to the Director, for his examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to weighing and measuring devices for which competence is registered. A registered serviceman or agency may not use in servicing commercial weighing or measuring devices any standards or testing equipment that have not been certified by the Director.~~ (3-15-22)

~~08. **Revocation of Certificate of Registration.** The Director may, for good cause, after careful investigation and consideration, suspend or revoke a Certificate of Registration.~~ (3-15-22)

~~09. **Publication of Lists of Registered Servicemen and Registered Service Agencies.** The Director will publish, from time to time as he deems appropriate, and may supply upon request, lists of Registered Servicemen and Registered Service Agencies.~~ (3-15-22)

~~451.—499. (RESERVED)~~

~~500. **BREAD.** Each loaf of bread kept, offered, or exposed for sale, whether or not the bread is packaged or sliced, must be sold by weight, as per Section 71-236 of Title 71, Chapter 2, Idaho Code.~~ (3-15-22)

~~501.—599. (RESERVED)~~

~~600. **SINGLE DRAFT VEHICLE WEIGHING.** A highway vehicle or a coupled highway vehicle or a coupled highway vehicle combination must be commercially weighed on a vehicle scale only as a single draft. That is, the total weight of such a vehicle or combination may not be determined by adding together the results obtained by separately and not simultaneously weighing each end of such vehicle or individual elements of such coupled combination. However:~~ (3-15-22)

~~01. **Coupled Combination.** The weight of a coupled combination may be determined by uncoupling the various elements (tractor, semitrailer, trailer), weighing each unit separately as a single draft, and adding together the results.~~ (3-15-22)

~~02. **Vehicle.** The weight of a vehicle or coupled vehicle combination may be determined by adding together the weights obtained while all individual elements are resting simultaneously on more than one (1) scale platform.~~ (3-15-22)

~~601.—649. (RESERVED)~~

~~650. **RULE FOR NATIONAL TYPE EVALUATION:**~~

~~01. **Application.** This rule applies to all classes of devices and equipment as covered in the National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, and 105-3.~~ (3-15-22)

~~02. **Certificate of Conformance.** The Director may require any weight or measure, or any weighing or measuring instrument or device to be issued a Certificate of Conformance prior to use for commercial or law enforcement purposes.~~ (3-15-22)

~~03. **Participating Laboratory.** The Director is authorized to operate a participating laboratory as part of the National Type Evaluation Program.~~ (3-15-22)

~~651~~**101.** -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 22-3421](#), 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 15, 2025.

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 agency has opened this chapter for rulemaking for the purposes of possible amendments related to applicator license terms and license categories. Specifically, the agency presented proposals for consideration including offering the option of a five-year license term, separating new license categories for potato cellar and wood preservation licenses, adding a new category for applicators using aerial unmanned drones, and lengthening the sunset provisions on commercial apprentices.

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

There were no changes to fees already included in the rule. The annual license fees were adjusted to a five-year fee at the same price per year over those five years.

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

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2025 Idaho Administrative Bulletin, [Volume 25-7, p 36-37](#). Two rulemaking meetings were held on July 17 and July 29.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0602-2501
(Only Those Sections With Amendments Are Shown.)

02.03.03 – RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

010. DEFINITIONS.

In addition to Section 22-3401, Idaho Code, the following are defined as: (7-1-25)

01. Antimicrobial Pesticides. Substances or mixture of substances used to destroy or suppress the growth of harmful microorganisms such as bacteria, viruses, or fungi on inanimate objects and surfaces. (7-1-24)

02. Certification. Passing one (1) or more examinations, to initially demonstrate an applicant's competence, as required by the licensing provisions of this act, in order to use or distribute pesticides, or to act as a pesticide consultant. (7-1-24)

03. Chemigator. Any person engaged in the application of chemicals through any type of irrigation system. (7-1-24)

04. Hazard Area. Cities, towns, subdivisions, schools, hospitals, or densely populated areas. (7-1-24)

05. High Volatile Esters. Formulations of 2,4-D which contain methyl, ethyl, butyl, isopropyl, octylamyl and pentyl esters. (7-1-24)

06. Janitorial Services. Surface cleaning or surface sanitation operations that use pesticides. Janitorial services extend to households and buildings and may include, but are not limited to; bathroom, food storage/processing, food service, retail sales, office, maintenance, educational, government and other like facilities. (7-1-24)

07. Limited Supervision. The supervision of a professional commercial apprentice by a supervising applicator licensed in the categories necessary for the pesticide application. The supervising applicator is limited to supervision of two (2) professional commercial apprentice applicators at one (1) time and must maintain immediate communications (voice, radio, cellular telephone, or similar) with the supervised applicators for the duration of all pesticide applications. (7-1-24)

08. Low Volatile Esters. Formulations of 2,4-D; 2,4-DP; MCPA and MCPB which contain butoxyethanol, propylene glycol, tetrahydrofurfuryl, propylene glycol butyl ether, butoxy propyl, ethylhexyl and isooctyl esters. (7-1-24)

09. Mixer-Loader. Any person who works under the supervision of a professional applicator in the mixing and loading of pesticides to prepare for, but not actually make, applications. (7-1-24)

10. On-Site Supervision. A noncertified applicator may apply general use and restricted use pesticides under on-site supervision by a professional applicator with the required license categories. The supervising pesticide applicator must be physically at the site of application, must have visual contact with the pesticide applicator, and must be able to direct the actions of the noncertified pesticide applicator. For restricted use pesticide applications, the supervising applicator may not supervise more than two (2) noncertified pesticide applicators at one (1) time. (7-1-24)()

11. Pesticide Drift. Movement of pesticide dust or droplets through the air at the time of application or soon after, to any site other than the area intended. (7-1-24)

12. Recertification. The requalification of a certified person through seminar attendance over a set

period of time, or taking an examination at the end of a set period of time, to ensure that the person continues to meet the requirements of changing technology and maintains competence. (7-1-24)

13. Seminar. Any Department-approved meeting or activity convened for the purpose of presenting pesticide recertification information. (7-1-24)

14. Sprinkler Irrigation. Method of irrigation in which the water is sprayed, or sprinkled, through the air to the ground surface. (7-1-24)

15. Unmanned Aircraft System (UAS). Unmanned aircraft vehicle(s) and associated elements, including communication links and components that control the unmanned aircraft, that are required for the pilot in command to operate. ()

16. Unmanned Aircraft Vehicle (UAV). Any aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. ()

157. Waters of the State. Any surface waters such as canals, ditches, laterals, lakes, streams, or rivers. (7-1-24)

011. -- 099. (RESERVED)

SUBCHAPTER A – LICENSING OF APPLICATORS AND DEALERS

100. PROFESSIONAL APPLICATOR LICENSING.

To obtain a professional applicator's license an applicant must: (7-1-24)

01. Submit Application. Submit an application prescribed by the Department with applicable fee (Section 280). (7-1-24)

02. Demonstrate Competence. (7-1-24)

a. All professional applicators must pass the Applicator Core Competency exam or competency training in addition to any other category. Professional applicators may only, make pesticide recommendations, or make pesticide applications for any purpose for which they have demonstrated competence. Competence is demonstrated by passing Department examinations and becoming licensed in categories described in Subsection 100.04. (7-1-25)()

b. In addition to written examination requirements for determining competency for Applicator Core Competency, the Idaho State Department of Agriculture (ISDA) or authorized agent, may employ additional methods for determining competency such as performance testing. ()

b.c. An applicant will demonstrate core competency in all standards outlined in 40 CFR 171.103(c). (7-1-24)

03. Certification and Department Examination Procedures. Be certified by passing Department examinations with a minimum score of seventy percent (70%) in the applicable pesticide categories (Subsection 100.04). Examinations shall adhere to standards outlined in 40 CFR 171.103(a)(2). In addition, examinations are: (7-1-24)

a. Proctored by ISDA staff or by an authorized agent following approved Department procedures. (7-1-24)

b. Retaken after a minimum waiting period of one (1) day. (7-1-24)

c. Scores valid for twelve (12) months from the date of the examination. (7-1-24)

d. It is prohibited to: (7-1-24)

- i. Attempt to cheat, or otherwise obtain an unfair advantage on the exam(s). (7-1-24)
- ii. Remove or attempt to remove any test questions or responses or any notes from a testing session. (7-1-24)
- iii. At any time, improperly access or attempt to improperly access the test site, the test (or any part of the test), an answer key, or any information about the test. (7-1-24)
- iv. Engage in any way in: (7-1-24)
 - (1) Theft or attempted theft of test content through platform intrusion. (7-1-24)
 - (2) Post-exam manipulation of test content, responses, or test administration data. (7-1-24)
 - (3) Attempting to adversely impact the exam proctor, test center, or testing platforms through any means including cybersecurity means. (7-1-24)
- v. Attempt to give or receive assistance, including by copying or through the use of an answer key. (7-1-24)
- vi. Record or copy information during the testing session including questions, answers, identifying information about the version or form of a test, or any other information that compromises the security of the test. (7-1-24)
- vii. Communicate with other test takers or other individuals in any form while testing is in session. (7-1-24)
- viii. Allow anyone to see your test questions or answers or attempt to see or copy others' test questions or answers. (7-1-24)
- ix. Consult notes, other people, electronic devices, textbooks, or any other resources during the test or during breaks. (7-1-24)
- x. Have subject-related information on your clothing, shoes, or body. (7-1-24)
- xi. Use or access any prohibited items including devices or aids such as, but not limited to, mobile phones, smartwatches, fitness trackers, other oral or written communication devices or wearable technology, cameras, notes, and reference books, etc., during or in connection with the test, including during breaks. (7-1-24)
- xii. Fail to turn in or store away a mobile/smartphone in accordance with the test site's collection process. (7-1-24)
- xiii. Use a prohibited calculator. (7-1-24)
- xiv. Deliberately attempt to and/or take the test for someone else or attempt to have someone else impersonate you to take the test. (7-1-24)

04. Categories. All professional applicators must be certified in Applicator Core Competency in one (1) or more of the following categories:

Category Name	Category Description
Applicator Core Competency (CO)	Includes general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling and laws. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(c) . This category is required for all Idaho Professional Pesticide Applicator Licenses
Agricultural Crop Pest Control (AC)	This category applies to professional applicators who use or supervise the use of pesticides in production of agricultural commodities including grasslands, and non-crop agricultural lands. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(1)(i) .
Aerial Pest Control (AA)	For application of pesticides to all application sites by operating or flying <u>manned</u> fixed-wing or rotary aircraft. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(15) .
<u>Aerial UAS Pest Control (AU)</u>	<u>For application of pesticides by operating an unmanned aircraft system. In addition to certification in AU, one or more of the appropriate use categories is required. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(15).</u>
Anti-Fouling Coatings (FC)	For applicators who use or supervise the use of anti-fouling coatings to control fouling organisms on aquatic vessels, underwater structures, and other similar structures. An applicant will demonstrate practical knowledge of problems caused by fouling organisms, methods of control using fouling organisms using through anti-fouling coatings, characteristics of antifouling coatings, alternative active ingredients other than copper-based paints, and best management practices for application and removal of anti-fouling coatings.
Agricultural Livestock Pest Control (LP)	For professional applicators who use or supervise the use of pesticides on animals or to places on or in which animals are confined. Certification in this category alone is not sufficient to authorize the purchase, use, or supervision of use of products for predator control listed in the General Vertebrate category or outlined in 40 CFR 171.101(k)(I) . An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(1)(ii) .
Aquatic Weed and Pest Control (AP)	For professional applicators who use or supervise the use of any pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in as specified in the Public Health (PH) category. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(5) .
Consultant and Research (CR)	For consultations or recommendations to supply technical advice concerning the use of agricultural pesticides and for the application or supervision of the use of restricted use pesticides (RUPs) for no compensation, to demonstrate the action of the pesticide or conduct research with restricted use pesticides. For all demonstration additional relevant professional applicator categories will be required. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(10) .
Forest Pest Control (FP)	For professional applicators who use or supervise the use of pesticides in forests, forest nurseries and forest seed production. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(2) .
General Vertebrate Control (GV)	For controlling vertebrate pests such as large and small predators, rodents, and birds by Wildlife Services (WS) personnel of the United States Department of Agriculture-Animal and Plant Health Inspection Service (APHIS). This category applies to professional applicators who use or supervise the use of sodium cyanide and sodium fluoroacetate to control regulated predators. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(11-12) .

Category Name	Category Description
Industrial, Institutional, and Structural Pest Control – Commodity (CP)	For professional applicators who use or supervise the use of pesticides on manufactured products or commodities in the following: Food handling establishments, packing houses, and food-processing facilities; and industrial establishments, including commodity storage facilities, grain elevators, and any other similar areas, public or private, for the protection of stored, processed, manufactured products, or commodities. Applicators must demonstrate a practical knowledge of pests associated with manufactured products or commodities, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of pests associated with manufactured products or commodities, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts.
Industrial, Institutional, and Structural Pest Control – Non-Commodity (IP)	For professional applicators who use or supervise the use of pesticides in, on, or around the following: food handling establishments, packing houses, and food-processing facilities; human dwellings; cooling towers; air washers; evaporative condensers; swimming pools; pulp and paper mills; sewer treatment; residential and commercial building; institutions, such as schools, hospitals, and prisons; and industrial establishments, including manufacturing facilities, warehouses, and any other structures and adjacent areas, public or private, for the protection of health, dwellings, structures, and stored, processed, or manufactured products. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(7) .
Non-Soil Fumigation (NS)	For professional applicators who use or supervise the use of a pesticide to fumigate anything other than soil. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(14) .
Ornamental Pest (OP)	For professional applicators who use or supervise the use of pesticides to control pests in the maintenance and production of ornamental plants and turf. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(3) .
<u>Potato Cellar (PC)</u>	<u>For professional applicators who use or supervise the use of storage-enhancing pesticides in potato cellars. Applicators must demonstrate a practical knowledge of pests associated with stored commodities like potatoes or onions, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for controlling pests associated with stored potatoes or onions, and methods of applications that avoid or minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts. Certification in Industrial, Institutional, and Structural Pest Control – Commodity (CP) category shall exempt the applicant from the need to certify in this category.</u>
Public Health Pest (PH)	For State, Tribal, Federal or other governmental employees and contractors who use or supervise the use of pesticides in government-sponsored public health programs for the management and control of pests having medical and public health importance. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(8) .

Category Name	Category Description
Regulatory Pest Control (RP)	For State, Tribal, Federal, or other local governmental employees and contractors who use or supervise the use of pesticides in government-sponsored programs for the control of regulated pests. Certification in this category does not authorize the purchase, use, or supervision of use of products for predator control pesticides listed in the General Vertebrate category or outlined in 40 CFR 171.101(k)(l) . An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(9) .
Right-of-Way ~~Herbicide~~ Pest Control (RW)	For professional applicators who use or supervise the use of pesticides in the maintenance of roadsides, powerlines, pipelines, and railway rights-of-way, and similar areas. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(6) .
Seed Treatment (ST)	For professional applicators using or supervising the use of pesticides on seeds in seed treatment facilities. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(4) .
Soil Fumigation (SF)	For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media for the growing of agricultural commodities, excluding rodent control. An applicant will demonstrate competency standards outlined in 40 CFR 171.103(d)(13) .
<u>Wood Preservative (WP)</u>	<u>For professional applicators who use or supervise the use of wood preservative pesticides in wood commodities or structures. Certification in this category does not authorize the purchase, use, or supervision of use for fumigation products. Applicators must demonstrate a practical knowledge of pests associated with wood preservation, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of pests associated with wood preservation, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts. Certification in Industrial, Institutional, and Structural Pest Control – Commodity (CP); or Industrial, Institutional, and Structural Pest Control – Non-Commodity (IP) categories shall exempt the applicant from the need to certify in this category.</u>

(7-1-25)()

a. Professional Commercial Apprentice License. For conducting General Use Pesticide (GUP) applications only in situations applicable to the ~~CP, OP, AC, IP, and RW~~ all categories with the exception of AA, AU, NS, and SF. To obtain a professional commercial apprentice license the applicant must pass the Applicator Core Competency exam with a minimum score of seventy percent (70%) or better, and meet the requirements as outlined in Section 100. Persons with this license may only perform pesticide applications under limited supervision of a properly certified professional applicator. Applicators with this license cannot supervise other pesticide applicators. The professional commercial apprentice license may not be reciprocated with other participating agencies. This license will expire ~~one~~ two (2) years from the date of issuance. The Applicator Core Competency exam score for persons issued a professional commercial apprentice license will be valid for the apprentice licensing period. The professional commercial apprentice license is non-renewable. (7-1-25)()

b. Professional applicators who engage in janitorial services and use pesticides for cleaning, surface sanitation, and similar activities using general use pesticides with the labeled signal words Warning or Caution, are exempt from professional applicator licensing requirements as outlined in [Sections 22-3404 \(2\)\(3\)\(4\), Idaho Code](#). (7-1-24)

05. Financial Responsibility. Submits written proof of financial responsibility by any of the following methods: (7-1-24)

- a. Liability insurance with an insurance company licensed to do business in Idaho and documented on a form approved by the Director; (7-1-24)
- b. A bond that is approved by the Director; (7-1-24)
- c. A cash certificate of deposit in escrow with a bank or trust company; (7-1-24)
- d. An annuity issued by an insurance company, bank or other financial institution found acceptable to the Director; (7-1-24)
- e. An irrevocable letter of credit issued by a national bank in Idaho or by an Idaho state-chartered bank insured by the federal deposit insurance corporation. (7-1-24)
- f. Any certificate of deposit, annuity, or irrevocable letter of credit must be payable to the Director as trustee and remain on file with the Department until it is released, canceled or discharged by the Director. Any certificate of deposit, annuity, or irrevocable letter of credit must maintain a cash value equal to the requirements of Subsection 100.05.h., less any penalty for early withdrawal. Accrued interest upon a certificate of deposit or annuity shall be payable to the purchaser of the certificate or annuity. (7-1-24)
- g. Exclusions. Any exclusion to liability insurance, bond, cash certificate of deposit, annuity or irrevocable letter of credit coverage shall be listed on a form approved by the Director. (7-1-24)
- h. Minimum Coverage Required. (7-1-24)
- i. Bodily injury - fifty thousand dollars (\$50,000) per person/one hundred thousand dollars (\$100,000) per occurrence. (7-1-24)
- ii. Property damage - fifty thousand dollars (\$50,000) per occurrence. (7-1-24)
- iii. Maximum deductible - five thousand dollars (\$5,000). (7-1-24)
- i. Target Property Not Required to Be Covered. The immediate property being treated is not required to be covered. (7-1-24)
- j. Cancellation or Reduction. The applicator must notify the Department in writing immediately after cancellation or reduction below the requirements of the financial coverage. (7-1-25)

06. Licensing Periods and Recertification. ~~The recertification period for professional applicators will be concurrent with their two (2) year licensing period, beginning at the license issuance, and ending upon license expiration. For a professional applicator's license to be renewed, the license holder must complete the recertification provisions of this section. Licenses belonging to professional applicators with last names beginning with A through L, expire on December 31st in every odd-numbered year, and licenses belonging to professional applicators with last names beginning with M through Z, expire on December 31st in every even-numbered year. The apprentice license may not be recertified and will expire one year from the date that it was issued. Recertification requirements may be accomplished by complying with either Subsection 100.06.a. or 100.06.b. Any professional applicator with less than thirteen (13) months in the licensing period is not required to obtain recertification credits during the initial licensing period. Any license holder who fails to accumulate the required recertification credits prior to the expiration date of their license will be required to pass the appropriate examination(s) before being licensed.~~ The certification period and licensing term for professional applicators will be a five (5) year period. The five-year recertification period will begin on the next January 1 following the date the license is initially obtained and will expire on December 31 of the fifth year. To recertify and renew a licensing term, professional applicators must complete the recertification provisions of this section. Any license holder who fails to meet required recertification credits before the license expiration will be required to retake and pass the applicable exam(s) prior to recertifying and renewing a license.

(7-1-24)()

- a. Continuing Education: To recertify, an applicator must accumulate ~~sixteen~~ forty (1640)

recertification credits during their recertification period, by attending Department-accredited pesticide seminars which meet the following criteria: (7-1-24)

- i. One (1) credit is issued for each fifty (50) minutes of instruction. (7-1-24)
 - ii. To request accreditation for a seminar not provided by the Department, an applicant must submit a written request to the Department. Applications received ~~prior to~~ more than thirty (30) days prior to the seminar shall receive preference for credit approval and have the ability to amend their application until the seminar is held. Applications received ~~after~~ less than thirty (30) days prior to the seminar shall be reviewed by the Department as time and workload allows. (7-1-25)()
 - iii. The number of credits to be given will be decided by the Department and may be revised if it is later found that the training does not comply. Credit is given only for those parts of seminars that deal with pesticide subjects as listed in Subsection 100.02.b. No credit will be given for training given to persons to prepare them for initial certification. (7-1-24)
 - iv. Verification of attendance at a seminar is accomplished by validating the attendee's pesticide license, using a method approved by the Department. Verification of attendance must be submitted with the license renewal application. (7-1-24)
 - v. Excess credits may not be carried over to the next recertification period. (7-1-24)
 - vi. Upon completing all licensing requirements for recertification, the license holder is recertified for the next licensing period. Licenses may be renewed up to twelve (12) months after the expiration date of the license. (7-1-25)
- b.** Recertification by Examination: A certified applicator who passes the Department's Applicator Core Competency (CO) examination plus examinations for all categories in which intend to license. (7-1-24)
- i. Recertification examinations may be taken by a professional applicator ~~beginning the thirteenth month of the re~~ up to twelve (12) months prior to the renewal of the certification period. (7-1-24)()
 - ii. The examination procedures as outlined in Subsection 100.03 will be followed. (7-1-24)
- c.** The Department may grant variances in the recertification of professional applicators' and dealers' licenses. Issuance of variances will not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. The request will be on a Department-prescribed form and state fully the grounds for requesting a variance. (7-1-24)
- d.** Licenses are eligible for renewal no sooner than forty-five (45) days from the expiration date. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

150. PRIVATE APPLICATOR LICENSING.

To obtain a private applicator's license, an applicant must: (7-1-24)

- 01. Submit Application.** Submit an application prescribed by the Department with applicable fee(s) (Section 250); (7-1-24)
- 02. Demonstrate Competence.** (7-1-24)
 - a.** Private applicators may only make pesticide applications using RUP's in categories for which they have demonstrated competency by passing a Department examination based on a US EPA approved Core/Private Applicator manual. The examination must follow the procedures outlined in Subsection 100.03. (7-1-25)

b. In addition to written examination requirements for determining competency for Private Applicator license, the ISDA or authorized agent, may employ additional methods for determining competency such as performance testing. ()

bc. An applicant will demonstrate competency in all standards outlined in 40 CFR 171.105(a). Demonstrate competence as outlined for Professional Applicators (Subsection 100.01). (7-1-24)

03. Categories. Private applicators must be certified in the Private Applicator category as a prerequisite to all other private applicator license categories:

Category Name	Category Description
Private Applicator (PA)	For use or supervision of restricted use pesticides to produce agricultural commodities on land owned or operated by applicator or applicator's employer. Certification in this category alone is not sufficient to authorize the purchase, use, or supervision of use of products for predator control listed in the predator control categories outlined in 40 CFR 171.105(b)(c). PA is prerequisite for all Idaho Private Applicator license categories. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(a).
Aerial Pest Control (AA)	For application of pesticides to all sites owned or operated by an applicator or applicator's employer by operating or flying <u>manned</u> fixed-wing or rotary aircraft. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(f).
<u>Aerial UAS Pest Control (AU)</u>	<u>For application of pesticides by operating an unmanned aircraft system An applicant will demonstrate competency standards outlined in 40 CFR 171.105(f).</u>
Non-Soil Fumigation (NS)	For applicators who use or supervise the use of a pesticide to fumigate anything other than soil. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(e).
Soil Fumigation (SF)	For applying soil fumigation pesticides to agricultural fields, plant nurseries, and other similar growing media on land owned or operated by applicator or applicator's employer for the growing of agricultural commodities, excluding rodent control. An applicant will demonstrate competency standards outlined in 40 CFR 171.105(d).

(7-1-25)()

04. License Periods and Recertification. ~~The recertification period for private applicator will be concurrent with their two (2) year licensing period, beginning at the license issuance, and ending upon license expiration. Licenses belonging to private applicators with last names beginning with A through L, expire on the last day of the month listed on the chart in Subsection 150.03.a. in every odd-numbered year, and licenses belonging to private applicators with last names beginning with M through Z, shall expire on the last day of the month listed on the chart in Subsection 150.03.a., in every even-numbered year. Recertification and relicensing may be accomplished by complying with either Subsection 150.03.b. or 150.03.e. Any person with less than thirteen (13) months in the initial licensing period is not required to obtain recertification credits for the initial period. Any license holder who fails to accumulate the required recertification credits prior to the expiration date of their license will be required to pass the appropriate examination(s) before being licensed.~~ The certification period and licensing term for private applicators will be a five (5) year period. The five-year recertification period will begin on the next April 1 following the date the license is initially obtained and will expire on March 31 of the fifth year. To recertify and renew a licensing term, private applicators must complete the recertification provisions of this section. Any license holder who fails to meet required recertification credits before the license expiration will be required to retake and pass the applicable exam(s) prior to recertifying and renewing a license. (7-1-24)()

~~a.~~ Licensing schedule:

Last Name		Month to License
Odd Year	Even Year	
A-D	M-P	March
E-H	Q-T	July
I-L	U-Z	October

(7-1-24)

b. Continuing Education: To recertify, and applicator must accumulate ~~seven~~ **fifteen (715)** credits during their recertification period by attending Department-accredited pesticide seminars which meet the following criteria; (7-1-24)()

i. One (1) credit is issued for each fifty (50) minutes of instruction. (7-1-24)

ii. To request accreditation for a seminar not provided by the Department, an applicant must submit a written request to the Department. Applications received prior to thirty (30) days shall receive preference for credit approval and have the ability to amend their application until the seminar is held. Applications received after the thirty (30) days shall be reviewed by the Department as workload allows. (7-1-25)

iii. The number of credits to be given will be decided by the Department and may be revised if it is later found that the training does not comply. Credit is given only for those parts of seminars that deal with pesticide subjects as listed in 40 CFR 171.105(a). No credit will be given for training given to persons to prepare them for initial certification. (7-1-25)

iv. Verification of attendance at an accredited seminar is accomplished by validating the attendee's pesticide license using a method approved by the Department. Verification of attendance must be submitted with the license renewal application. (7-1-24)

v. Excess credits may not be carried over to the next recertification period. (7-1-24)

vi. Upon completing all licensing requirements for recertification, the license holder is recertified for the next licensing period. Licenses may be renewed up to twelve (12) months after the expiration date of the license. (7-1-25)

c. Recertification by Examination: A certified applicator passes the Department's private applicator examination(s) for all categories in which they intend to license. (7-1-24)

i. Examinations may be taken ~~beginning the thirteenth (13th) month of the license period~~ **within twelve (12) months prior to renewal of the certification period.** (7-1-24)()

ii. The examination procedures as outlined in Subsection 100.03 will be followed. (7-1-24)

iii. Upon passing the examinations, a person is eligible for license renewal for the next licensing period. For the purpose of becoming licensed, examination scores are valid for twelve (12) months after the date of the examination. (7-1-24)

d. The Department may issue variances for the requirements delineated in Subsection 150.03 in the recertification of private applicators' licenses. Issuance of variances do not relieve the recipient from compliance with all other responsibilities under the Pesticide and Chemigation Act and Rules. The request will be on a Department-prescribed form and state fully the grounds for requesting a variance. (7-1-24)

e. Licenses are eligible for renewal no sooner than forty-five (45) days from the expiration date. (7-1-24)

151. CHEMIGATOR LICENSING.

01. Chemigator License Required. Anyone wishing to chemigate shall apply for a license to perform chemigation per the process outlined in this section. Additional category certifications may be required. (7-1-25)

02. Applying for a Chemigator License. Prior to chemigating a person must: (7-1-25)

a. Submit an application prescribed by the Department with applicable fees, and (7-1-25)

b. Demonstrate competency through one of the following methods: (7-1-25)

i. Complete a Department approved chemigation training within twelve (12) months of submitting the application. Chemigation trainings for licensure must be a minimum of one (1) hour and at a minimum address the following content: (7-1-25)

(1) Backflow prevention devices, methods, and injection types; (7-1-25)

(2) The mitigation of potential risks associated with chemigation; (7-1-25)

(3) Pesticide label requirements for chemigation; (7-1-25)

(4) Identification of approved chemigation equipment; or (7-1-25)

ii. Pass the Chemigation examination with a minimum score of seventy percent (70%). Examination scores are valid for twelve (12) months after the date of the examination. The examination must follow the procedures outlined in Subsection 100.03; or (7-1-25)

iii. Verify compliance through another Department approved method. (7-1-25)

03. License Periods. ~~The licensing period will begin at license issuance and end upon license expiration. License periods will follow the schedule outlined in Subsection 150.03.a. of this rule. Any person with less than thirteen (13) months in the initial licensing period is not required to test or attend chemigation training for the initial period.~~ The certification period and licensing term for chemigation applicators will be a five (5) year period. The five-year recertification period will begin on the next April 1 following the date the license is initially obtained and will expire on March 31 of the fifth year. To recertify and renew a licensing term, chemigation applicators must complete recertification outlined in the competency requirements of this section. (7-1-25)()

152. -- 199. (RESERVED)

200. PESTICIDE DEALER LICENSING.

To obtain a pesticide dealer's license, an applicant must: (7-1-24)

01. Submit Application. Submit an application prescribed by the Department with applicable fee(s) (Section 280); (7-1-24)

a. Must hold a valid license with the appropriate professional category(s) listed in Subsection 100.04 that pertains to the types of restricted use pesticides sold or distributed. (7-1-24)

b. ~~Be renewed after August 31 on even numbered years for a twenty four (24) month duration~~ Dealer License terms will match with Professional Applicator Licensing terms found in section 100.06. (7-1-24)()

c. Licenses are eligible for renewal no sooner than forty-five (45) days from the expiration date. (7-1-24)

02. Selling GUPs. Persons selling GUPs will not be required to obtain a pesticide dealer license or maintain distribution records of these products. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

SUBCHAPTER B – FEES

280. FEES.

01. **Pesticide Registration.** One hundred sixty dollars (\$160) per product. (7-1-24)
02. **Professional Applicator's License.** ~~One hundred twenty dollars (\$120) per licensing period of greater than thirteen (13) months or more, sixty dollars (\$60) per licensing period of thirteen (13) months or less~~ Three hundred dollars (\$300). (7-1-25)()
03. **Commercial Apprentice (CA) Applicator's License.** ~~Sixty~~ One hundred twenty dollars (~~\$60~~ \$120) ~~per licensing period of twelve (12) months or less.~~ (7-1-24)()
04. **Private Applicator's License.** ~~Ten~~ Twenty-five dollars (~~\$10~~ \$25); ~~a Chemigation Category, twenty dollars (\$20); or thirty dollars (\$30) for both categories.~~ (7-1-24)()
05. **A Chemigation License.** ~~Twenty~~ Fifty dollars (~~\$20~~ \$50). (7-1-25)()
06. **Pesticide Dealer's License.** ~~One~~ Two hundred ~~fifty~~ dollars (~~\$100~~ \$250) ~~per licensing period of greater than thirteen (13) months or more, fifty dollars (\$50) per licensing period of thirteen (13) months or less per 5-year licensing period. For initial licenses of less than 5 years, a proration of fifty dollars per year to align with valid professional licensing period.~~ (7-1-25)()
07. **Examination Fee per Examination Category.** Ten dollars (\$10). (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

400. PESTICIDE RESTRICTIONS.

01. **Application of Restricted Use Pesticides by Noncertified Applicators.** A noncertified applicator may apply restricted use pesticides (RUPs) under on-site supervision by a professional applicator with the required license categories of the application being supervised if: (7-1-24)
- a. Noncertified applicator has completed the following training within twelve (12) months prior to application: (7-1-24)
- i. EPA approved Worker Protection Standard (WPS) certification for pesticide handler training or equivalent. (7-1-24)
- ii. The safe operation of any equipment they will use for mixing, loading, transferring, or applying pesticides. (7-1-24)
- b. The noncertified application of any pesticide is prohibited for: (7-1-24)
- i. Soil or non-soil fumigation; (7-1-24)
- ii. Aerial application. (7-1-24)
- iii. Professional applications conducted by a person under eighteen (18) years of age. (7-1-24)

c. Maintain noncertified applicator training records for three (3) years, ready to be inspected, duplicated, or submitted when requested by the Director. Such records shall contain: (7-1-24)

i. Noncertified applicator's printed name and signature. (7-1-24)

ii. Date of training. (7-1-24)

iii. Full name of the person who provided the training. (7-1-24)

iv. Trainer's qualification to conduct training. (7-1-24)

v. Title or a description of the training provided. (7-1-24)

vi. If the noncertified applicator is a licensed applicator who is not certified to perform the type of application being conducted while under on-site supervision by a professional applicator, the record must include all of the following information: (7-1-24)

(1) Noncertified applicator's name. (7-1-24)

(2) Noncertified applicator's license number. (7-1-24)

(3) Expiration date of the noncertified applicator's license. (7-1-24)

(4) Certifying authority that issued the license. (7-1-24)

d. Requirements for supervisors of noncertified applicators of RUPs under on-site supervision. A certified applicator must ensure that all the following requirements are met before allowing a noncertified applicator to use a restricted use pesticide under their on-site supervision: (7-1-24)

i. The noncertified applicator must have access to the applicable product labeling at all times during its use. (7-1-24)

ii. Where the labeling of pesticide product requires that personal protective equipment be worn for mixing, loading, application, or any other use activities, the noncertified application has been provided clean, label required personal protective equipment in proper operating condition and the personal protective equipment is used correctly. (7-1-24)

iii. The certified applicator must provide to each noncertified applicator before use of a restricted use pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site and the conditions of application might increase or decrease the risk of adverse effects. (7-1-24)

iv. The certified applicator must ensure that before each day of use equipment used for mixing, loading, transferring, or applying pesticides is in proper operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment. (7-1-24)

v. The certified applicator must ensure that a means to immediately communicate with the certified applicator is available to each noncertified applicator using restricted use pesticides under their direct supervision. (7-1-24)

vi. The certified applicator must be physically present at the site of the use being supervised. (7-1-24)

vii. The certified applicator must create or verify the existence of the records required by Subsection 400.01.c. of this rule. (7-1-24)

02. Application of General Use Pesticides by Noncertified Applicators. A Professional Commercial

Apprentice applicator may apply general use pesticides (GUPs) under ~~CP, OP, AC, IP, and RW~~ all categories, with the exception of AA, AU, NS, and SF, with limited supervision by a professional applicator that has the required license categories of the application being supervised if: (7-1-25)()

- a. All of the following conditions are met: (7-1-24)
 - i. The Professional Commercial Apprentice applicator has a valid license. (7-1-24)
 - ii. Immediate communication requirements exist between the supervising professional applicator and the Professional Commercial Apprentice applicator. (7-1-24)
 - iii. Companies employing Commercial Apprentice applicators must have one (1) or more Professional Applicators identified as actively apprenticing. A Professional Applicator is prohibited from apprenticing more than two (2) Commercial Apprentices at any given time. ()
 - iv. Commercial Apprentices must identify the name and license number of the certified Professional Applicator under which they are apprenticing on the application for licensure. Changes in the supervising Professional Applicator are subject to notification requirements of Section 250. ()
 - v. Companies must maintain a record of the current roster of all licensed applicators identifying that each Professional Applicator is not supervising more than two (2) Commercial Apprentices. This record shall be made available to the ISDA upon request. ()

- b. Applications of RUPs are prohibited under the Professional Commercial Apprentice license. (7-1-24)

03. Mixer-Loaders. No person will act as a mixer-loader for a professional applicator without first obtaining annual training. (7-1-24)

- a. Training will be conducted and certified by the professional applicator who employs the mixer-loader. Training recordkeeping requirements for mixer-loaders shall be the same as for noncertified applicators of restricted use pesticides under on-site supervision (see Subsection 400.01.c. of this rule.) (7-1-24)
- b. Training requirements shall be the same as for noncertified applicators of restricted use pesticides under on-site supervision (see Subsection 400.01a. of this rule.) (7-1-24)

04. Non-Domestic Pesticides Restrictions. (7-1-24)

- a. Home and Garden Restrictions. The following pesticides are to be registered only when labeled, distributed, sold or held for sale and use other than home and garden use and are not be sold to home and garden users or applied by professional applicators around any home or garden. (7-1-24)
 - i. Bidrin (Foliar applications). (7-1-24)
 - ii. Strychnine (one percent (1%) and above). (7-1-24)
 - iii. Zinc Phosphide (two point one percent (2.1%) and above). (7-1-24)
- b. Ester Restriction. Low volatile liquid ester formulations of herbicides shall not be applied around any home or garden at any time when ambient air temperature exceeds or is forecasted to exceed eighty (80) degrees Fahrenheit during the day of application. (7-1-24)

05. Restrictions to Protect Pollinators. (7-1-24)

- a. 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. (7-1-24)

b. 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. (7-1-24)

c. 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. (7-1-24)

06. Deviations from Pesticide Labels and Labeling. Any licensed professional or private applicator may deviate from pesticide label directions for use only as EPA or state laws, rules, and regulations permit. (7-1-24)

07. Wind Velocity Restrictions. No person will apply pesticides in sustained wind speeds that exceed the product label directions. If a pesticide label does not state a specific wind speed limitation, pesticides will not be applied in sustained wind conditions exceeding ten (10) miles per hour. (7-1-24)

a. Exceptions. Application of pesticides by injection into application site or by impregnated granules shall be made according to label directions. (7-1-24)

b. Approval for Use of Other Application Techniques. Other pesticide application techniques or methods may be approved by the Director or his agent on a case-by-case basis. (7-1-24)

c. Chemigation Wind Speed Precautions. Chemicals shall not be applied when wind speed favors drift beyond the area intended for treatment or when chemical label restricts the use of a pesticide for wind speed. (7-1-24)

08. Phenoxy Herbicide Restrictions. (7-1-24)

a. High Volatile Ester Restrictions. No aircraft pilot will apply high volatile ester formulations of 2,4-D: (7-1-24)

i. In Latah, Nez Perce, and Clearwater Counties in Idaho; or (7-1-24)

ii. Within five (5) miles of a susceptible crop or hazard area in any other county in Idaho. (7-1-24)

iii. Waiver of the restriction in Subsections 400.08.a.i. and 400.08.a.ii. may be issued on a project-by-project basis by the Director. (7-1-24)

b. Low Volatile Ester Restrictions. No aircraft pilot will apply low volatile ester formulations of 2,4-D; MCPA and MCPB: (7-1-24)

i. In Latah, Nez Perce, and Clearwater Counties in Idaho, 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 (7-1-24)

ii. Within one (1) mile of a hazard area in any other county in Idaho. (7-1-24)

iii. Waiver of the restriction in Subsection 400.08.b.i. may be issued on a project-by-project basis by the Director. (7-1-24)

c. A continuous smoke column or other device satisfactory to the Director will 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. (7-1-24)

09. Pesticide-Fertilizer Mix Restrictions. No person will distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix. (7-1-24)

10. Pesticide Drift Prohibitions. The application of pesticides that results in drift outside of the target

area is prohibited.

(7-1-24)

401. UNMANNED AIRCRAFT SYSTEMS.

01. Unmanned Aircraft Vehicle (UAV); Unmanned Aircraft System (UAS). This section applies to all pesticide applications conducted using unmanned aircraft vehicles/systems. ()

a. It is prohibited to apply any pesticide by UAS without first obtaining an applicator license with the AU category. ()

b. A person piloting or operating UAS is considered the applicator. ()

c. The licensed pesticide applicator must be on site during the application. ()

d. UAS applications are subject to all other aerial application requirements of this rule. ()

e. All UAS operations for pesticide application must also comply with other applicable state or federal regulations, such as any requirements and certifications issued by the Federal Aviation Administration (FAA). ()

401.2. -- 449. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

SUBCHAPTER D – CHEMIGATION

600. GENERAL CHEMIGATION REQUIREMENTS.

01. Pesticides Labeled for Chemigation. The chemigator will use only pesticides labeled for chemigation when chemigating. (7-1-24)

02. Monitoring Chemigation. Licensed professional applicators that start the application of chemicals through chemigation equipment do not have to be present during the entire application, but must return to monitor the proper application at least once every four (4) hours for the duration of the application. (7-1-24)

03. Chemigation Equipment Standards. Equipment will be placed on the Department's list of approved chemigation equipment after the manufacturers provide to the Department verification that the equipment meets the standards in the Department's chemigation protocol. Prior to chemigating, all chemigation systems must meet the requirements outlined in the Department's chemigation protocol. Chemigation system requirements are defined by the Department's chemigation system requirements protocol and the standards established in these rules. (7-1-25)

04. Chemigating Over Waters of the State. Shall be prohibited, except for variances allowed in Section 700 the Department's chemigation protocol. (7-1-24)()

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.20 – RULES GOVERNING BRUCELLOSIS

DOCKET NO. 02-0420-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 25-203](#) and [25-601](#), 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 15, 2025.

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:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's [Zero-based Regulation Executive Order](#). Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

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

There are no fees associated with this rule.

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

There is no fiscal impact due to this administrative rule.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 29-30](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

All three sets of Uniform Methods and Rules (April 1998, September 2003, and October 2003) and CFR Title 9 are referenced since this rule must follow federal regulations as this is a federally mandated program. These documents reference the federal government policies and procedures.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0420-2501
(ZBR Chapter Rewrite.)

02.04.20 – RULES GOVERNING BRUCELLOSIS

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of~~ Sections 25-203, 25-601, and 25-3520, Idaho Code.

~~(3-31-22)~~()

001. ~~TITLE AND SCOPE.~~

~~01. Title.~~ The title of this chapter is “Rules Governing Brucellosis.”

~~(3-31-22)~~

~~02. Scope.~~ These rules govern prevention, surveillance, diagnosis, control, management and eradication of brucellosis in the state of Idaho.

~~(3-31-22)~~()

002. – 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference and copies of these documents may be obtained from the Idaho State Department of Agriculture ([ISDA](#)) Central Office and the State Law Library:

~~(3-31-22)~~()

01. The October 1, 2003 Edition of the Brucellosis Eradication Uniform Methods and Rules.

(3-31-22)

02. The September 30, 2003 Edition of the Brucellosis in Cervidae: Uniform Methods and Rules.

(3-31-22)

03. The April 1998 Edition of the Swine Brucellosis Control/Eradication: State-Federal-Industry Uniform Methods and Rules.

(3-31-22)

04. The Code of Federal Regulations Title 9, Parts 71, 78, and 161, January 1, 2005. This document can be viewed online at http://www.access.gpo.gov/nara/cfr/waisidx_00/9cfrv1_00.html.

(3-31-22)

005. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter.

(3-31-22)

~~01. Accredited Veterinarian.~~ A veterinarian approved by the Administrator and USDA/APHIS/VS in accordance with provisions of Title 9, Part 161, Code of Federal Regulations to perform functions of State Federal

~~animal disease control programs.~~ (3-31-22)

~~02. **Approved Brucella Vaccine.** A vaccine product that is approved by and produced under license of the USDA for administration to cattle, domestic bison, swine or domestic cervidae for the purpose of enhancing the resistance to brucellosis.~~ (3-31-22)

~~031. **Approved Feedlot.** A feedlot approved by the ISDA Administrator of the Division of Animal Industries (Administrator) to feed female cattle and domestic bison, which have not been officially vaccinated against brucellosis.~~ (3-31-22)()

~~04. **Brucellosis.** An infectious disease of animals and humans caused by bacteria of the genus Brucella.~~ (3-31-22)

~~05. **Brucellosis Emergency.** The declaration of an animal health emergency by the director as the result of the diagnosis of brucellosis in cattle, domestic bison, swine or domestic cervidae in the state of Idaho or in areas outside the state that could result in transmission of brucellosis to Idaho cattle, domestic bison, swine, or domestic cervidae.~~ (3-31-22)

~~062. **Brucellosis Herd Management Plan.** A written document outlining management practices a livestock producer will take to minimize the exposure of cattle or domestic bison to brucellosis. The herd management plan shall be valid when signed by the owner and the State Veterinarian or his designee.~~ (3-31-22)

~~073. **Cattle.** All bovidae, including domestic bison, owned by a person.~~ (3-31-22)()

~~084. **Commuter Herd.** A herd of cattle or domestic bison that moves from Idaho to another state pursuant to the provisions of IDAPA 02.04.21, "Rules Governing the Importation of Animals," Section 220.~~ (3-31-22)()

~~095. **Designated Surveillance Area (DSA).** An area of Idaho, as ordered by the director or his designee, where brucellosis positive wildlife are known or believed to exist and where commingling of wildlife and livestock may lead to transmission of brucellosis from wildlife to livestock.~~ (3-31-22)()

~~10. **Domestic Bison.** All animals in the genus Bison that are owned by a person.~~ (3-31-22)

~~1106. **Domestic Cervidae.** Elk, fallow deer and reindeer that are owned by a person.~~ (3-31-22)

~~1207. **Exposed.** Animals that have had contact with other animals, herds, or materials that have been determined to be infected with or affected by Brucella.~~ (3-31-22)

~~13. **Federal Animal Health Official.** An employee of USDA, APHIS, VS who is authorized to perform animal health activities.~~ (3-31-22)

~~1408. **Infected Animals or Herds.** Animals that are classified as reactors by the designated brucellosis epidemiologist or herds that contain one or more reactor animals.~~ (3-31-22)

~~15. **Negative.** Cattle, domestic bison, swine or domestic cervidae are classified negative:~~ (3-31-22)

~~a. When their blood serum has been subjected to official serological tests and the test results fail to disclose evidence of Brucella infection; and~~ (3-31-22)

~~b. If blood, milk or tissues are subjected to bacteriological methods for cultivating field strain Brucella and none are recovered. An animal is classified as negative when all tests that are performed fail to disclose evidence of brucellosis.~~ (3-31-22)

~~1609. **Official Identification.** The unique individual electronic identification of cattle, domestic bison, swine, or domestic cervidae in accordance with these rules.~~ (3-31-22)()

~~170.~~ **Official Vaccinate.** A bovine or domestic bison female that was inoculated, in accordance with these rules and the ~~b~~Brucellosis-Eradication UM&R, Uniform Methods and Rules (UM&R), with an approved Brucella vaccine. (3-31-22)()

~~18.~~ **Operator.** The person who has authority to manage or direct a cattle, domestic bison, swine, or domestic cervidae premises, or conveyance and the animals thereon. (3-31-22)

~~191.~~ **Parturient.** Visibly prepared to give birth or within two (2) weeks before giving birth. (3-31-22)

~~2012.~~ **Postparturient.** Having already given birth. (3-31-22)

~~2413.~~ **Premises.** The ground, area, buildings, corrals, and equipment utilized to keep, hold, or maintain animals. (3-31-22)

~~22.~~ **Quarantine.** A written order, executed by the Administrator, to confine or hold animals on a premise or any other location, and to prevent movement of animals from a premise or any other location when the administrator has determined that the animals have been found to be or are suspected to be exposed to or infected with *Brucella*, or the animals are not in compliance with the provisions of this chapter. (3-31-22)

~~23.~~ **Reactor.** Cattle, domestic bison, swine or domestic cervidae are classified as reactors when their blood serum has been subjected to official serologic tests and the test results indicate that the animal has been exposed to and infected with *Brucella*. Cattle, domestic bison, swine or domestic cervidae are also classified as reactors in the absence of significant serologic test results when other diagnostic methods, such as bacteriologic methods, result in the recovery of field strain *Brucella* organisms, or a significant rise in the serologic titer occurs, or when other epidemiologic evidence of *Brucella* infection is demonstrated. (3-31-22)

~~2414.~~ **Re-Identification of Official Vaccinates.** The identification of female cattle or other animals which have been officially vaccinated and identified, as provided in this chapter, and which have lost the official identification device or the tattoo has faded to the extent that it cannot be discerned. (3-31-22)

~~25.~~ **Restrain.** The confinement of cattle, domestic bison, swine, or domestic cervidae in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (3-31-22)

~~2615.~~ **Restricted Movement Permit.** A VS Form 1-27, or other document approved by the Administrator for movement of reactor or exposed animals in commerce. (3-31-22)

~~27.~~ **State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication programs. (3-31-22)

~~2816.~~ **State/Federal Animal Health Laboratory.** The official laboratory in Idaho that is approved by the Administrator and ~~USDA/APHIS/VS~~ United States Department of Agriculture (USDA)/Animal and Plant Health Inspection Service (APHIS)/Veterinary Services (VS), to conduct serologic and bacteriologic tests to detect *Brucella*. (3-31-22)()

~~29.~~ **Suspect.** Cattle, domestic bison, swine, or domestic cervidae are classified as suspects when their blood serum has been subjected to official serologic tests and the results suggest infection but are inconclusive. If bacteriologic methods to culture *Brucella* from blood, milk or tissues were used, they did not yield field strain *Brucella*. (3-31-22)

~~3017.~~ **Swine.** All animals in the family suidae, owned by a person. (3-31-22)()

~~3418.~~ **Test Eligible.** Unless otherwise specifically provided in these rules, all sexually intact cattle and domestic bison twelve (12) months of age and over, and all parturient, and postparturient cattle and domestic bison regardless of age. (3-31-22)

~~32.~~ **Wild Bison.** All animals in the genus *Bison* that are not owned by a person. (3-31-22)

33. ~~Wild Elk.~~ All elk that are not owned by a person. (3-31-22)
041. ~~ABBREVIATIONS.~~
01. ~~APHIS.~~ Animal Plant Health Inspection Service. (3-31-22)
02. ~~AVIC.~~ Area Veterinarian in Charge. (3-31-22)
03. ~~CFR.~~ Code of Federal Regulations. (3-31-22)
04. ~~DSA.~~ Designated Surveillance Area. (3-31-22)
05. ~~MCI.~~ Market Cattle Identification. (3-31-22)
06. ~~UM&R.~~ Uniform Methods and Rules. (3-31-22)
07. ~~USDA.~~ United States Department of Agriculture. (3-31-22)
08. ~~VS.~~ Veterinary Services. (3-31-22)
0121. -- 019. (RESERVED)
020. **APPLICABILITY.**
These rules apply to all cattle, domestic bison, swine, and domestic cervidae located within, imported into, transported through or exported from the state of Idaho. (3-31-22)
021. **SUPERVISION.**
The official brucellosis eradication program will be supervised by full-time state or federal veterinarians. (3-31-22)
022. **INSPECTIONS.**
In order to ascertain compliance with this chapter, state and federal animal health officials are authorized to inspect animals, records, premises and other areas where cattle, domestic bison, swine, domestic cervidae and other animals are held or kept. (3-31-22)
01. **Entering and Inspection of Premises.** ~~In order to conduct activities authorized by this chapter, s~~
State or federal animal health officials are authorized to enter premises, other areas, or conveyances in the state where cattle, domestic bison, swine, domestic cervidae or other brucellosis susceptible animals are held or kept. State or federal animal health officials and will attempt to notify the owner or operator of the premises or conveyance prior to conducting an a facility or records inspection. In an emergency, as determined by the Administrator, prior notification will not be required. (3-31-22)()
02. **Inspecting Records.** ~~To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to have access to, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises where the records are located prior to inspecting records.~~ (3-31-22)
03. **Emergencies.** ~~In the event of an emergency, as determined by the Administrator, the notification requirements of this section may be waived.~~ (3-31-22)
02. **Maintain Biosecurity.** State and federal animal health officials shall comply with the biosecurity protocol of the operation so long as the protocol does not inhibit reasonable access to inspect the facility or its' records. ()
023. **LABORATORIES.**
Biological samples tested for brucellosis shall be tested only by official state-federal animal health laboratories or by persons authorized by the Administrator, and USDA/VS. (3-31-22)

01. **Blood, Milk, Tissue, or Other Samples.** All biologic samples shall be collected and tested in accordance with the UM&R for that species. (3-31-22)

02. **Authorized Persons.** ~~The Administrator may authorize a~~ Qualified persons to, approved by the Administrator conducting serologic tests for brucellosis. ~~All samples initially tested at facilities other than official state-federal animal health laboratories shall be must promptly submitted to the official state-federal animal health all samples to an approved~~ laboratory for confirmation of test results. (3-31-22)()

03. **Retest of Reactors.** A request to retest a reactor animal may be submitted by the owner to the Administrator ~~Within~~ W within three days (3) days ~~after of~~ being notified of the initial herd blood test ~~results of an initial herd blood test, the owner may request an additional blood test on reactors, such test shall be made at owner's expense. The request shall be based on sound epidemiologic evidence, and all animals shall remain under herd quarantine. The request shall be made to the Administrator, who will approve or deny the request. Approved requests shall be performed at the owner's expense.~~ (3-31-22)()

04. **Reclassification of Reactors.** Any reclassification of reactor animals shall be in accordance with the UM&R for that species. (3-31-22)

024. REPORTING.

Brucellosis activities conducted privately or as part of the official brucellosis eradication program shall be reported to the Administrator. (3-31-22)

01. **Test Results.** All test results shall be reported immediately. (3-31-22)

02. **Vaccinations.** All vaccination reports shall be submitted on an electronic form approved by the Administrator within fifteen (15) days of date of vaccination. (3-31-22)()

03. **Disease.** All owners of animals and veterinarians shall report evidence of brucellosis infection to the Administrator immediately. (3-31-22)

~~025. QUARANTINES.~~

~~All cattle, domestic bison, swine and domestic cervidae animals or herds determined to be exposed to or infected with brucellosis shall be quarantined.~~ (3-31-22)

~~01. **Infected Herds.** Infected herds or animals shall remain under quarantine until such time that the herd has been completely depopulated and the premise has been cleaned and disinfected as provided by the administrator or the provisions for release of quarantine established in these rules have been met.~~ (3-31-22)

~~02. **Exposed Herds.** The quarantine for exposed herds or animals may take the form of a hold order which shall remain in effect until the exposed animals have been tested and the provisions for release of a quarantine as established in these rules have been met.~~ (3-31-22)

~~03. **Validity of Quarantine.** The quarantine shall be valid whether or not it is acknowledged by signature of the owner.~~ (3-31-22)

~~026. CLEANING AND DISINFECTING.~~

~~The Administrator is authorized to order the owner or operator of stockyards, pens, trucks, trailers, cars, vessels, chutes, and other conveyances and premises to clean and disinfect the same, at the owner's expense, whenever necessary for the eradication of brucellosis. Cleaning and disinfecting shall be done under the supervision of state or federal animal health officials.~~ (3-31-22)

~~01. **Infected Animals.** Premises, conveyances, or other areas where infected animals have been held or kept shall be cleaned and disinfected under regulatory supervision within fifteen (15) days following the removal of reactors or the entire herd for slaughter.~~ (3-31-22)

~~02. **Exemptions.** The Administrator may authorize an exemption from cleaning and disinfection~~

~~requirements on a case-by-case basis. (3-31-22)~~

~~03. Extension of Time. The Administrator may authorize an extension of time for cleaning and disinfection under extenuating circumstances. (3-31-22)~~

025. – 026. (RESERVED)

027. WILD BISON AND WILD ELK.

~~01. Wild Bison. When wild bison enter into or are otherwise present within the state of Idaho, one (1) of the following actions shall be taken by the department: (3-31-22)~~

~~a. If feasible, the wild bison shall be physically removed by the safest and most expeditious means from within the state boundaries or delivered to a slaughterhouse approved by the department. (3-31-22)~~

~~b. If wild bison cannot safely or by reasonable and permanent means be removed from the state, the wild bison may be destroyed where they stand by the use of firearms. If firearms cannot be used with due regard for human safety and public and private property, the wild bison shall be relocated to a danger free area and destroyed by any practicable means of euthanasia, including the use of firearms. (3-31-22)~~

~~c. When wild bison are killed, the carcass remains will be disposed of in accordance with IDAPA 02.04.17, "Rules Governing Dead Animal Movement and Disposal," or field dressed for delivery to a slaughterhouse or slaughter destination approved by the Administrator. (3-31-22)~~

021. Exposure of Livestock to Wild Bison. All cattle, domestic bison, and domestic cervidae animals and herds that come into contact with brucellosis affected wild bison, such that transmission of brucellosis could occur, shall be considered exposed to brucellosis. (3-31-22)

032. Exposure of Livestock to Wild Elk. All cattle, domestic bison, and domestic cervidae animals and herds that have feed-line or other contact, during winter months, with wild elk that have been determined to be affected with brucellosis, such that transmission of brucellosis could occur, shall be considered exposed to brucellosis. (3-31-22)

028. BRUCELLOSIS TESTING.

The Administrator may require *brucellosis* testing of cattle, domestic bison, swine, domestic cervidae, or other animals. (3-31-22)

01. Duty to Restrain. It is the duty of each person who has control of such animals to pen the animals in suitable pens and restrain them for the test when directed to do so in writing by the Administrator. (3-31-22)

02. Records of Tests. When any cattle, domestic bison, swine, or domestic cervidae are tested for *brucellosis* a complete test record shall be made and the record shall be shown on an official **electronic** *brucellosis* test form provided by the Administrator. ~~The test form shall be completely filled out, including the following information: (3-31-22)()~~

~~a. The name and address of the owner and the location of the animals at the time of test. (3-31-22)~~

~~b. The name and signature of the person conducting the test. (3-31-22)~~

~~c. Individual identification number of each animal and the registration name and number of each purebred animal. (3-31-22)~~

~~d. Age of each animal. (3-31-22)~~

~~e. Sex of each animal. (3-31-22)~~

~~f. Breed of each animal. (3-31-22)~~

- ~~g. Species of animals tested. (3-31-22)~~
- ~~h. Vaccination status, including the vaccination tattoo for each vaccinated animal. (3-31-22)~~
- ~~i. Test results, if a *brucellosis* test has been performed, for each animal. (3-31-22)~~
- ~~j. Date sample was collected for testing. (3-31-22)~~

03. Interstate Movement. All test eligible cattle and domestic bison exported from Idaho shall be tested negative for *brucellosis* within thirty (30) days prior to the interstate movement if required by the state of destination, or if the cattle or domestic bison are being moved from a DSA. (3-31-22)

~~**04. Dairy Herds.** *Brucellosis* ring tests shall be conducted on all dairy herds at least once every six (6) months. (3-31-22)~~

029. BRUCELLOSIS EMERGENCY (RESERVED):

~~In order to prevent the re-establishment of *brucellosis* infection in cattle, domestic bison, swine or domestic cervidae in the state, the Director may declare an animal health emergency. (3-31-22)~~

~~**01. *Brucellosis* in Idaho.** The Director may declare a *brucellosis* emergency in the event *brucellosis* is diagnosed in any cattle, domestic bison, swine or domestic cervidae in Idaho. (3-31-22)~~

~~**02. *Brucellosis* in Adjacent Area.** The Director may declare a *brucellosis* emergency in the event that *brucellosis* is discovered in areas in or outside the state that could result in transmission of *brucellosis* to Idaho cattle, domestic bison, swine, or domestic cervidae. (3-31-22)~~

~~**03. Infected Herd(s) to Be Condemned and Depopulated.** Pursuant to the provisions of Section 25-212, Idaho Code, animals and herds found to be infected with *brucellosis* shall be condemned and completely depopulated or slaughtered. (3-31-22)~~

030. BRUCELLOSIS INDEMNITY.

Owners of animals that are condemned and depopulated because of *brucellosis* shall be indemnified for such animals, based upon appraised value, less federal indemnity and salvage value, and for reasonable actual costs of disposal and cleaning and disinfection in accordance with the provisions of this chapter, except as provided in Section 031. (3-31-22)()

~~**01. Indemnity Payments.** Payments shall be based upon the appraised value, less federal indemnity and salvage value for the animals. (3-31-22)~~

~~**021. Time Limit for Slaughter.** Payment of indemnity shall be made under Section 030 for animals destroyed because of *brucellosis*, only if the animals are shipped to slaughter or die otherwise within fifteen (15) days after the date of individual identification and tagging, except that the appropriate veterinarian in charge, for reasons satisfactory to him, may extend the period to thirty (30) days and the Deputy Administrator, Veterinary Services, for reasons satisfactory to him may extend it beyond thirty (30) days. (3-31-22)~~

~~**032. Reactors That Die.** Indemnity may be paid on *brucellosis* reactors that die before being sent to slaughter provided: the reactors have been appraised and identified and die within fifteen (15) days from date of appraisal and written verification of the official ID of the dead carcass is provided by a state or federal animal health official. (3-31-22)()~~

~~**a.** The reactors have been appraised and identified and die within fifteen (15) days from date of appraisal; and (3-31-22)~~

~~**b.** The state or federal animal health officials directing the disease control work are furnished with a signed statement by a veterinarian attesting that he observed the carcass of the dead animal and providing the reactor tag number found in the left ear of the animal and date of death. (3-31-22)~~

~~04. Other Costs. Reimbursement for disposal costs and cleaning and disinfection costs shall not exceed the actual cost.~~ (3-31-22)

031. BRUCELLOSIS INDEMNITY: CLAIMS NOT ALLOWED.

Claims for compensation for animals destroyed because of *brucellosis* shall not be allowed if any of the following circumstances exist: (3-31-22)

01. Failure to Comply. The owner has failed to comply with any of the rules governing the handling of *brucellosis* reactors. (3-31-22)

02. Illegal Imports. The animals were illegally imported into the state. (3-31-22)

03. Animals Sold for Slaughter. At the time of the test or condemnation, the animals belonged to or were upon the premises of any person to whom the animals had been sold, shipped, or delivered for slaughter. (3-31-22)

04. Unapproved Test. The animals were subject to a test not approved by the Administrator. (3-31-22)

05. Untested Animals. All animals in the owner's herd have not been tested for *brucellosis* under state or federal supervision. (3-31-22)

06. Premises Not Cleaned. The premises occupied by the *brucellosis* infected animals were not cleaned and disinfected as directed, under state or federal supervision. (3-31-22)

07. Neutered Animals. The animals were neutered. (3-31-22)

08. Attempt to Improperly Obtain Funds. There is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such animals. (3-31-22)

09. Unidentified Cattle and Domestic Bison. Cattle or domestic bison destroyed because of *brucellosis*, unless they were marked for identification in accordance with the ~~October 1, 2003, Edition of the *brucellosis* Eradication Uniform Methods and Rules~~ Brucellosis UM&R. (3-31-22)()

10. Calves. If the entire herd is not depopulated and the cattle or domestic bison were calves under one-hundred eighty (180) days of age. (3-31-22)

032. -- 099. (RESERVED)

100. OFFICIAL VACCINATION REQUIRED FOR CATTLE AND DOMESTIC BISON.

~~All female cattle and domestic bison utilized for breeding, dairy, or grazing purposes shall be officially vaccinated for brucellosis. Utilization of female cattle or domestic bison, which are not officially vaccinated, for breeding, dairy or grazing purposes is a violation of this chapter.~~ (3-31-22)

101. OFFICIAL VACCINATION.

Female cattle and domestic bison may be officially vaccinated through one (1) of the following methods: (3-31-22)

01. Calfhood Vaccination. Female cattle and domestic bison native to the ~~s~~State of Idaho (State) or imported into the ~~s~~State of Idaho ~~shall be that are~~ calfhood vaccinated ~~while not less than one hundred twenty (120) days of age or more than three hundred sixty five (365) days of age or be consigned to an approved feedlot, for finish feeding for slaughter only, prior to becoming three hundred sixty five (365) days of age~~ shall be done so in accordance with 9 CFR 78 and the Brucellosis UM&R. (3-31-22)()

02. Adult Vaccination. Female cattle or domestic bison may be vaccinated as adults with the approval of the Administrator and shall be in accordance with 9 CFR 78 and the Brucellosis UM&R. (3-31-22)()

~~a. Female cattle or bison which are three hundred sixty-five (365) days of age or older shall be negative to an official brucellosis test within ten (10) days prior to being vaccinated. (3-31-22)~~

~~ba. The Administrator may make exceptions to the provisions of Section 101 of this rule on a case-by-case basis. (3-31-22)~~

03. Approval for Adult Vaccination. Accredited veterinarians ~~representing owners, or accredited veterinarians authorized to perform services for specifically approved livestock markets who desire to have female cattle or domestic bison, which are over three hundred sixty-five (365) days of age vaccinated shall request approval from the Administrator. The Administrator may grant or deny the request to adult vaccinate the cattle based upon origin, history, age, pregnancy status and the potential of the cattle or domestic bison to spread other diseases of concern, such as tuberculosis or trichomoniasis. Approval or denial of the request to adult vaccinate the cattle shall be made within seven (7) working days of the date of the request~~ to vaccinate female cattle or domestic bison over three hundred sixty five (365) days of age. (3-31-22)()

04. Adult Vaccinations Required. The Administrator may require animals at risk of becoming infected with brucellosis to be adult vaccinated. ~~The animals shall be vaccinated at intervals and with the vaccinal dose determined by the designated brucellosis epidemiologist. Such vaccination shall be accomplished whether or not the animals have been previously vaccinated. (3-31-22)()~~

102. ~~SALE OF FEMALE CATTLE OR DOMESTIC BISON THAT ARE NOT OFFICIALLY VACCINATED.~~(RESERVED)
Female cattle and domestic bison that are not officially vaccinated, and are sold or otherwise transferred to another person by private treaty or through a specifically approved livestock market shall meet the following requirements: (3-31-22)

~~**01. Less Than Three Hundred Sixty Five Days of Age.** Female cattle and domestic bison that are more than one hundred twenty (120) days of age and not more than three hundred sixty-five (365) days of age at the time of sale or transfer to another person, may be sold to approved feedlots, directly to slaughter, to out of state destinations, or be consigned for sale at specifically approved livestock markets without being officially vaccinated. Such female cattle or domestic bison sold for breeding, grazing, or dairy purposes within Idaho shall be officially vaccinated prior to or immediately upon consummation of the sale. (3-31-22)~~

~~**02. Over Three Hundred Sixty Five Days of Age.** Female cattle and domestic bison over three hundred sixty-five (365) days of age at the time of sale or transfer to another person may be consigned directly to an approved feedlot, out of state destination, slaughter, or specifically approved livestock market for sale to an approved feedlot, out of state destination, or slaughter. (3-31-22)~~

103. OFFICIAL IDENTIFICATION OF CATTLE AND DOMESTIC BISON.

01. Official ~~Calfhood~~ Vaccinates. All ~~Official calfhood~~ vaccinates shall be ~~permanently~~ officially identified ~~as vaccinates by tattoo and official vaccination eartag~~ pursuant to 9 CFR 78 and the Brucellosis Eradication UM&R. (3-31-22)()

~~a. Vaccination tattoos shall be applied to the right ear. The tattoo shall start with the letter "R," followed by the U.S.-registered "shield and V," followed by a number corresponding to the last digit of the year in which the vaccination was done. (3-31-22)~~

~~b. Official vaccination (orange) eartags shall be applied to the right ear. (3-31-22)~~

~~c. Individual animal registration tattoos or individual animal registration brands may be used for identifying animals in place of official eartags if the cattle or domestic bison are registered by a breed association. (3-31-22)~~

~~**02. Official Adult Vaccinates.** Official adult vaccinates shall be permanently identified as vaccinates by tattoo and by official identification eartag. Animals that have previously been officially identified as vaccinates shall have the prior official identification recorded on a vaccination certificate or test chart in lieu of the identification~~

~~provided for in this subsection.~~ (3-31-22)

~~a. Adult vaccinated cattle or bison must be identified with a vaccination tattoo applied to the right ear that begins with the letter "R," followed by "AV," followed by the last digit of the year in which the vaccination is performed.~~ (3-31-22)

~~b. Official identification (silver) cartags shall be applied to the right ear.~~ (3-31-22)

~~c. Individual animal registration tattoos or individual animal registration brands may be used for identifying animals in place of official cartags if the cattle or domestic bison are registered by a breed association.~~ (3-31-22)

032. Reactor and Suspect Animals. All animals designated as reactors or suspects by the designated brucellosis epidemiologist shall be marked in accordance with the ~~October 1, 2003, Edition of the *brucellosis*~~ Brucellosis Eradication Uniform Methods and Rules UM&R. (3-31-22)()

04. Suspect Animals. All suspect animals shall be marked in accordance with the ~~October 1, 2003 Edition of the *brucellosis* Eradication Uniform Methods and Rules.~~ (3-31-22)

05. Spayed Heifers. Spayed heifers may be officially identified by applying a hot iron brand high on the tailhead on either or both sides using an open spade symbol as used in playing cards, of not less than three (3) inches high, or as provided by the administrator. (3-31-22)

104. RE-IDENTIFICATION OF OFFICIAL VACCINATES.

No female cattle or domestic bison that were officially vaccinated against brucellosis shall be re-tattooed ~~for the purpose of re-establishing their status as official brucellosis vaccinates nor shall any officially vaccinated animals be~~ or re-car-tagged with the official vaccination eartag ~~at any time subsequent to the original vaccination, except that re-tattooing for the purpose of re-establishing the status as official *brucellosis* vaccinates shall be allowed~~ under the following conditions: (3-31-22)()

01. Administrator Grants Permission. Animals may be re-tattooed only by accredited veterinarians who have obtained permission from Administrator prior to the time the animals are re-tattooed. (3-31-22)

02. Permanent Official Identification. Animals that are presented for re-tattooing shall have ~~some~~ permanent official identification which will identify the animals as those originally tattooed, ~~such as the *brucellosis* vaccination tag, individual animal registration tattoo, or other approved permanent identification,~~ provided that such the official identification was submitted on the original ~~official~~ vaccination record. (3-31-22)()

03. Reproduction of Original Tattoo. Re-tattooing shall reproduce the original tattoo, ~~which was placed in the animal's ear~~ at the time of vaccination. (3-31-22)()

04. Records. The veterinarian who performs the re-tattooing shall record the ~~eartag or other official identification numbers, the tattoo symbols and the owner's name and address on a new vaccination record form of the~~ vaccinates and submit ~~the re-tattooing record~~ a new vaccination record to the Division of Animal Industries within ten (10) days of the date of re-tattooing. (3-31-22)()

105. LIVESTOCK MARKET RELEASE.

~~The accredited veterinarian authorized to provide veterinary services at a specifically approved livestock market shall perform a clinical inspection of all livestock and accurately complete a "Saleyard Release" form, certificate of veterinary inspection, or other market release mechanism certifying that the animals meet the health requirements for movement to the point of destination prior to any animals being released from the livestock market.~~ (3-31-22)

1065. -- 119. (RESERVED)

120. BRUCELLOSIS ERADICATION AREAS.

The Director is authorized to declare the entire state, a portion of the state, entire county or part of a county an eradication area, pursuant to Idaho Code, Section 25-604, in order to contain an outbreak of brucellosis and prevent

spread of brucellosis to ~~herds~~ cattle, domestic cervidae, swine and other animals in other counties and areas of the state. (3-31-22)()

01. Circumstances Under Which Testing Is Required. Test eligible cattle, domestic bison, or other brucellosis susceptible species: (3-31-22)

a. Shall be subjected to an official brucellosis test within the thirty (30) days immediately preceding sale or movement out of an eradication area. (3-31-22)

b. For cattle or domestic bison consigned on a permit to a specifically approved stockyard, the brucellosis test requirement may be fulfilled at the stockyard by testing the cattle or domestic bison prior to sale. (3-31-22)

02. Test Exemptions. Test eligible cattle and domestic bison from eradication areas, consigned on a permit directly from a farm or ranch of origin to an approved slaughter establishment, or to a specifically approved stockyard for sale directly to an approved slaughter establishment, shall be exempt from pre-movement testing. (3-31-22)

03. Discontinuance of Eradication Area. The eradication area designation shall exist only for the period of time necessary for the elimination of brucellosis infection from cattle and domestic bison in the area. After infection has been eliminated and Idaho has retained or regained brucellosis free status, the Director shall remove the eradication status from the area and the testing requirements shall be discontinued. (3-31-22)

121. TEST ELIGIBLE CATTLE AND DOMESTIC BISON IN AN ERADICATION AREA. Test eligible cattle and domestic bison in an eradication area are: (3-31-22)

01. Unvaccinated or Vaccinated with Brucella Abortus Strain RB 51 Vaccine. Intact male and female cattle and domestic bison that are six (6) months of age or older. (3-31-22)

122. MOVEMENT ~~INTO OR~~ OUT OF ERADICATION AREAS. Cattle or domestic bison shall not be moved into or out of an eradication area except by the authorization of the Administrator. (3-31-22)()

01. Permits Authorizing Movement. Movement of cattle or domestic bison ~~into or~~ out of an eradication area shall require a permit issued by the Administrator on an approved form. (3-31-22)()

02. ~~Contents of Permits.~~ ~~Permits for movement into or out of an eradication area shall be of the form and content prescribed by the Administrator.~~ (3-31-22)

123. DESIGNATED SURVEILLANCE AREA (DSA). All intact cattle and domestic bison that reside or seasonally graze within a DSA are subject to additional rule requirements for the prevention or eradication of brucellosis. (3-31-22)()

01. Individual Identification Requirements. All intact cattle and domestic bison, regardless of age, that leave the DSA must be identified with official individual electronic identification. (3-31-22)()

02. Testing Requirements Within The DSA. The following official brucellosis test requirements apply to all test eligible cattle and domestic bison that are or have been located within the DSA at any time between January 1 and June 15 of any calendar year. (3-31-22)

a. All test eligible cattle and domestic bison must have a negative brucellosis test within thirty (30) days prior to a change of ownership, interstate movement or prior to leaving the DSA, except cattle or domestic bison moving directly to an approved Idaho livestock market or a federally-inspected slaughter plant that will test the animals for brucellosis on arrival. (3-31-22)

b. Variances or exceptions to the brucellosis testing requirements may be considered on an individual basis by the administrator, based upon a brucellosis herd management plan. (3-31-22)

03. Permit Required for Movement Out of the DSA. In addition to the above testing requirements and prior to movement, all persons transporting Test Eligible cattle or domestic bison from within the DSA to a location outside the DSA, shall be required to obtain a movement permit via ~~telephone~~ electronic submission on an approved form from the Division of Animal Industries at least twenty-four (24) hours in advance. The permit will be valid for fifteen (15) days from issuance. (3-31-22)()

~~a. Telephone Requests. DSA movement permits may be requested by telephone at (208) 332-8540 or facsimile at (208) 334-4062.~~ (3-31-22)

~~b. Contents of a Permit Request. The request for a movement permit shall include the following information:~~ (3-31-22)

~~i. Name and address of the consignor and consignee;~~ (3-31-22)

~~ii. Number and kind of animals;~~ (3-31-22)

~~iii. Origin of shipment;~~ (3-31-22)

~~iv. Final destination; and~~ (3-31-22)

~~v. Date of required brucellosis test.~~ (3-31-22)

~~c. Period of Validity. Permits shall be valid for no longer than fifteen (15) days from the date of issuance unless otherwise specified.~~ (3-31-22)

~~d. Penalties. Any person that fails to obtain a permit prior to movement of cattle out of the DSA may be assessed penalties pursuant to Section 990 of this rule.~~ (3-31-22)()

124. -- 129. (RESERVED).

130. MOVEMENT OF INFECTED AND EXPOSED CATTLE OR DOMESTIC BISON.

All movement of infected or exposed cattle or domestic bison shall be on a restricted movement permit in accordance with the ~~October 1, 2003, edition of the brucellosis~~ Brucellosis Eradication ~~Uniform Methods and Rules UM&R.~~ (3-31-22)()

~~01. Restricted Movement Permit. The permit shall be completed in full and signed by the shipper of the animals.~~ (3-31-22)

~~02. Original Copy of Permit. The original copy of the permit shall accompany the animal being moved.~~ (3-31-22)

131. -- 199. (RESERVED)

200. IDAHO APPROVED FEEDLOT.

Female cattle and domestic bison that have not been officially vaccinated for brucellosis shall not be fed for slaughter except in Idaho approved feedlots, with no provisions for pasturing or grazing. Application for Idaho Approved Feedlot status shall be made on a form available from the Administrator. Applications for Approved Feedlot Status will be considered under the following conditions: (3-31-22)()

01. Cattle Secured. The feedlot management has demonstrated that cattle which have not been officially vaccinated can be secured in the feedlot; and ()

02. Adequate Records. Feedlot records are adequate to show the origin and disposition of the cattle in the feedlot; and ()

03. Adequate Resources. The Administrator determines that the Division of Animal Industries has

adequate human and fiscal resources to assure that the feedlot abides by the provisions of this chapter; and ()

04. Inspection. A state or federal animal health official has completed an inspection of the feedlot. ()

05. Past History. The Administrator may take any past enforcement or violation history into consideration when making the final determination of whether or not to approve a feedlot. ()

~~201. APPLICATION FOR DESIGNATION AS AN IDAHO APPROVED FEEDLOT.~~

~~Application for Idaho Approved Feedlot status shall be made on application forms available from the Administrator. (3-31-22)~~

~~202. ADMINISTRATOR APPROVAL.~~

~~The Administrator may approve feedlot applications after the feedlot has been inspected by state or federal animal health officials and: (3-31-22)~~

~~**01. Cattle Secured.** The feedlot management has demonstrated that cattle which have not been officially vaccinated can be secured in the feedlot; and (3-31-22)~~

~~**02. Adequate Records.** Feedlot records are adequate to show the origin and disposition of the cattle in the feedlot; and (3-31-22)~~

~~**03. Adequate Resources.** The Administrator determines that the Division of Animal Industries has adequate human and fiscal resources to assure that the feedlot abides by the provisions of this chapter; and (3-31-22)~~

~~**04. Past History.** The Administrator may take any past enforcement or violation history into consideration when making the final determination of whether or not to approve a feedlot. (3-31-22)~~

~~203. APPROVED FEEDLOT NUMBER.~~

~~Feedlots approved by the Administrator shall receive an Idaho Approved Feedlot Number. (3-31-22)~~

201. -- 203. (RESERVED)

204. EXPIRATION OF APPROVED STATUS.

Approved feedlot status shall expire on September 1 of each year. It shall be the responsibility of feedlot management to apply each year for renewal of approved status. (3-31-22)

205. -- 249. (RESERVED)

250. CONTENT OF RECORDS FOR APPROVED FEEDLOTS.

All approved feedlots shall keep accurate and complete records of all cattle and domestic bison that enter the approved feedlot. These records shall readily show: (3-31-22)

01. Animals Received. The number, species, age, sex, brand, origin, date of entry, individual identification when required, and final disposition of all cattle and domestic bison received at the feedlot; and (3-31-22)

02. Animals Removed from Feedlot. The date of removal or sale, and destination of any animals removed; and (3-31-22)

03. Death Loss. Cattle and domestic bison losses by accident, disease or death shall be accurately recorded; and (3-31-22)

04. Requirements. That all applicable permit, test, examination, identification, and vaccination requirements have been met. (3-31-22)

251. RECORDS RETENTION.

Feedlot records shall be retained by the feedlot for a period of not less than one (1) year following removal of the cattle or domestic bison from the feedlot. (3-31-22)

252. ENTRY REQUIREMENTS.

Idaho Approved Feedlots are allowed to feed all classes of cattle and domestic bison, except brucellosis-exposed, suspect, or reactor cattle and domestic bison. ~~Test-eligible cattle and domestic bison from Class A, and B states or areas, as defined in Title 9, Part 78, CFR, shall be tested negative prior to entry.~~ (3-31-22)()

253. REMOVAL REQUIREMENTS.

All cattle and domestic bison, except steers and spayed heifers, leaving Idaho Approved Feedlots shall ~~conform to the following provisions~~ have been held separate and apart from all other feedlot cattle since arrival at the feedlot, and their isolation maintained until the vaccinated cattle or domestic bison are removed from the feedlot. Additional removal requirements are as follows: (3-31-22)()

01. Direct to Slaughter. Shall be identified on a weigh bill or other certificate and moved directly to slaughter at an approved slaughter establishment; or (3-31-22)

02. Direct to Another Idaho Approved Feedlot. Shall be identified on a Certificate of Veterinary Inspection and moved directly to another Idaho Approved Feedlot; or (3-31-22)

03. Direct to Livestock Market. Shall be consigned directly to a specifically approved livestock market for sale to slaughter, or other qualified destination; or (3-31-22)

04. Direct Out of State. Shall be consigned directly to a qualified out of state destination. (3-31-22)

05. Official CalfhooD Vaccinates. Officially calfhooD vaccinated female cattle or domestic bison may be removed from an Idaho Approved Feedlot for breeding, dairy, or grazing purposes ~~provided that the female cattle or domestic bison have been isolated in pens separate and apart from all other feedlot cattle since arrival at the feedlot, and the isolation is maintained until the vaccinated cattle or domestic bison are removed from the feedlot.~~ (3-31-22)()

06. Official Adult Vaccinates. Officially adult vaccinated female cattle or domestic bison may be removed from an Idaho Approved Feedlot for breeding, dairy, or grazing purposes provided that the following conditions are met: (3-31-22)

a. Female cattle or domestic bison that are three-hundred sixty-five (365) days of age or older at the time of vaccination have tested negative to an official brucellosis test within ten (10) days prior to vaccination; and (3-31-22)

b. The female cattle or domestic bison are vaccinated with ~~Strain~~ RB 51 Brucella abortus vaccine, with a dose approved by the Administrator, within ten days of the negative brucellosis test; and (3-31-22)()

~~**c.** The female cattle or domestic bison have been isolated in pens separate and apart from all other feedlot cattle since arrival at the feedlot and the isolation is maintained until the vaccinated cattle or domestic bison are removed from the feedlot; and~~ (3-31-22)

~~**d.** All female cattle or domestic bison in the isolation pen are negative on an official brucellosis test prior to the vaccination and removal of any cattle from the isolation pen; and~~ (3-31-22)

~~**e.** The female cattle or domestic bison are identified on a Certificate of Veterinary Inspection at the time of removal.~~ (3-31-22)

07. Intact Males. Intact male cattle and domestic bison may be removed from an Idaho Approved Feedlot for breeding, dairy, or grazing purposes provided that the following conditions are met: (3-31-22)

a. The intact male cattle or domestic bison have been tested negative to trichomoniasis tests as provided in the trichomoniasis rules, IDAPA 02.04.03, "Rules of the Department of Agriculture Governing Animal

Industry,” Section 220. (3-31-22)

~~b. The intact male cattle or domestic bison have been isolated in pens separate and apart from other feedlot cattle since arrival at the feedlot. (3-31-22)~~

~~eb.~~ The intact male cattle or domestic bison are examined, tested for brucellosis, and identified on a Certificate of Veterinary Inspection at the time of removal. (3-31-22)

~~08. Interstate Commerce. Animal(s) moved in interstate commerce shall meet all applicable state and federal requirements. (3-31-22)~~

~~098. Approval of the Administrator. Vaccinated female cattle and intact male cattle being removed from the feedlot for breeding, dairy or grazing purposes shall not be removed without prior notification, and if required, approval of and under the conditions determined by to the administrator. (3-31-22)()~~

254. ~~TESTING (RESERVED)~~
~~Under the Brucellosis UM&R, Idaho Approved Feedlots are considered herds, not Quarantined Feedlots. (3-31-22)~~

~~01. MCI. In the event that MCI slaughter testing discloses reactor(s) that came from the approved feedlot, the test eligible animals remaining in the feedlot will be subjected to a herd test for brucellosis, unless feedlot records are adequate to identify the herd from which the reactor(s) originated and an epidemiological investigation demonstrates that the cattle remaining in the feedlot are not exposed. (3-31-22)~~

~~02. Exposed Cattle. Cattle in an approved feedlot may be subject to testing for brucellosis if a brucellosis test conducted in the feedlot or an epidemiological investigation reveals that brucellosis exposed cattle have entered the feedlot. (3-31-22)~~

255. **INSPECTION.**
The feedlot premises, the cattle or domestic bison therein, and the feedlot records shall be presented for inspection to the Administrator at any reasonable time. (3-31-22)

256. **REVOCATION OF APPROVED FEEDLOT STATUS.**
The Administrator may revoke approved feedlot status by notifying the owner in writing. (3-31-22)

01. Failure to Comply. In addition to any other department administrative or civil action, failure on the part of the feedlot operator to comply with the requirements of this chapter shall result in revocation of the Idaho Approved Feedlot status. (3-31-22)

02. Operator Request. Operators may have the approved status revoked by emptying the feedlot and requesting in writing that the status be revoked. (3-31-22)

03. Regulation Changes. Idaho Approved Feedlot status may be revoked at such time as revocation is required by changes in state or federal rules or regulations. (3-31-22)

04. Disposition of Cattle and Domestic Bison. Should the Idaho Approved Feedlot status be revoked, cattle and domestic bison still in the feedlot shall be removed from the feedlot as provided in Section 252 of this rules. The Administrator shall have the authority to impose time limits for removal of cattle and bison. (3-31-22)()

257. ~~299. (RESERVED)~~

~~300. OFFICIAL IDENTIFICATION OF DOMESTIC CERVIDAE.~~

~~01. Identification at Time of Brucellosis Testing. Domestic cervidae shall be individually identified with an official identification device and the individual identification recorded on an official test form, or any existing official identification on the animal shall be recorded on an official test form at the time of brucellosis testing. (3-31-22)~~

~~02. Identification of Reactors.~~ Animals classified as reactors to an approved brucellosis test shall be identified by hot branding the letter "B" (at least two by two (2 x 2) inches) on the left hip and by placing an official reactor tag in the left ear before movement of the animal from the premises where tested. (3-31-22)

~~03. Identification of Suspect and Exposed Animals.~~ Suspect and exposed animals shall be identified by hot branding the letter "S" (at least two by two (2 x 2) inches) on the left hip and the official eartag number shall be recorded on movement documents before movement of the animal from the premises where found or tested. (3-31-22)

~~04. Exception to Identification of Reactor, Suspect, and Exposed Animals.~~ In lieu of tagging and branding reactor, suspect, or exposed animals, the Administrator may approve movement of these animals directly to slaughter in a sealed vehicle or accompanied by a state or federal animal health official. (3-31-22)

~~301.—319. (RESERVED)~~

~~320. TESTING REQUIREMENTS.~~

~~01. Issuance of Order for Testing, Quarantine, or Disposal of Domestic Cervidae.~~ The Administrator shall determine when testing, quarantine, or disposal of domestic cervidae infected with or exposed to brucellosis is required, pursuant to Title 25, Chapters 2, 6, and [37] 35, Idaho Code. If the Administrator determines that testing 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. (3-31-22)

~~02. Brucellosis Free Certification of Domestic Cervid Herds.~~ Domestic cervidae shall be tested in accordance with the UM&R for Brucellosis in Cervidae to obtain certification of a herd as brucellosis free. All sexually intact animals six (6) months of age or older must have three consecutive negative tests nine (9) to fifteen (15) months apart for initial herd certification. (3-31-22)

~~321. DOMESTIC CERVIDAE BRUCELLOSIS ERADICATION AREA.~~

The Director is authorized to declare the entire state, a portion of the state, entire county or part of a county a domestic cervidae brucellosis eradication area, pursuant to Section 25-604, Idaho Code, in order to contain an outbreak of brucellosis and prevent spread of brucellosis to herds in other counties and areas of the state. (3-31-22)

~~322. TESTING AND MOVEMENT.~~

Testing and movement requirements related to cervidae brucellosis eradication areas shall be in accordance with the UM&R for Brucellosis in Cervidae. (3-31-22)

~~323.—399. (RESERVED)~~

~~400. OFFICIAL IDENTIFICATION OF SWINE.~~

~~01. Swine Tested at Farm.~~ All swine bled on the farm as part of a complete herd test for swine brucellosis shall be individually identified by official VS approved eartags, visible tattoos, or ear notches, provided the ear notch has been recorded in the book of record of a purebred registry association. (3-31-22)

~~02. Swine Tested at Market or Slaughter.~~ Sows and boars six (6) months of age and older shall be identified by an official VS approved paper or plastic backtag applied to the head or poll region and/or an official VS approved eartag when tested for swine brucellosis at markets or slaughter establishments. (3-31-22)

~~03. Reactor Swine.~~ Swine reacting to the swine brucellosis test shall be identified by placing an official VS approved reactor tag in the left ear. (3-31-22)

~~401.—419. (RESERVED)~~

~~420. TESTING REQUIREMENTS.~~

01. ~~Test Eligible Swine.~~ Brucellosis testing of swine at markets, at slaughter establishments and farms when required by the UM&R for Control/Eradication of Swine Brucellosis shall be performed on sexually intact animals 6 months of age and older. (3-31-22)

02. ~~Imported Domestic Swine.~~ Test eligible swine shall be negative to a swine brucellosis test thirty (30) days prior to importation into Idaho unless, the swine are from a validated swine brucellosis free herd or state. (3-31-22)

03. ~~Semen Sold for Artificial Insemination.~~ All herds that market swine semen shall be subjected to a complete herd test annually and be validated swine brucellosis free. (3-31-22)

421. ~~SWINE BRUCELLOSIS ERADICATION AREA.~~
The Director is authorized to declare the entire state, a portion of the state, entire county or part of a county a swine brucellosis eradication area, pursuant to Section 25-604, Idaho Code, in order to contain an outbreak of brucellosis and prevent spread of brucellosis to herds in other counties and areas of the state. (3-31-22)

422. ~~TESTING AND MOVEMENT.~~
Testing and movement requirements related to swine brucellosis eradication areas shall be in accordance with the UM&R for control/eradication of swine brucellosis. (3-31-22)

423.— 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.24 – RULES GOVERNING TUBERCULOSIS

DOCKET NO. 02-0424-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 25-203](#), [25-305](#), and [25-401](#), 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 15, 2025.

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:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's [Zero-Based Regulation Executive Order](#). Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

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

There are no fees associated with this rule.

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

There is no fiscal impact due to this administrative rule.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 31-32](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Uniform Methods and Rules and CFR Title 9 are incorporated by referenced since this rule must follow federal regulations as this is a federally mandated program. These documents reference the federal government policies and procedures.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0424-2501
(ZBR Chapter Rewrite.)

02.04.24 – RULES GOVERNING TUBERCULOSIS

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of~~ Sections 25-203 and 25-305, Idaho Code. (3-31-22)()

001. ~~TITLE AND SCOPE.~~

~~01. Title.~~ The title of this chapter is “Rules Governing Tuberculosis.” (3-31-22)

~~02. Scope.~~ These rules govern procedures for the prevention, surveillance, control, management, and eradication of tuberculosis in the state of Idaho. (3-31-22)()

002. -- 003. (RESERVED)

004. INCORPORATION BY REFERENCE.

~~01. The January 1, 2005, Edition of “Bovine Tuberculosis Eradication Uniform Methods and Rules.”~~ (3-31-22)

~~02. The Code of Federal Regulations, Title 9, Parts 71, 77, and 161, January 1, 2002.~~ This document can be viewed online at <https://www.ecfr.gov/current/title-9/chapter-I/subchapter-C>. (3-31-22)()

005. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions found in Section 25-239, Idaho Code, these terms apply in the interpretation and enforcement of this Rule: (3-31-22)

~~01. Accredited Herd.~~ A herd that meets the standards of the UMR for bovine tuberculosis. (3-31-22)

~~02. Accredited Veterinarian.~~ A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-31-22)

~~03. Affected Herd.~~ A herd in which there is strong and substantial evidence that *Mycobacterium bovis* may exist. (3-31-22)

041. Approved Laboratory. A state or federal veterinary diagnostic laboratory. The primary laboratory for tuberculosis histopathology and bacteriology culture will be the National Veterinary Services Laboratories, Ames, Iowa. (3-31-22)

~~**05. Approved Feedlot.** A feedlot approved by the Administrator to feed cattle and domestic bison of unknown Tuberculosis test status. (3-31-22)~~

~~**06. Area Veterinarian in Charge.** The veterinary official of USDA/APHIS/VS, who is assigned by the deputy administrator of APHIS to supervise and perform official APHIS animal health work. (3-31-22)~~

~~**072. Bovine Tuberculosis.** A disease caused by *Mycobacterium bovis*. (3-31-22)~~

~~**083. Cattle.** All domestic bovidae, including domestic bison, owned by a person. (3-31-22)()~~

~~**09. Domestic Bison.** All animals of the genus *Bison*, which are owned by a person. (3-31-22)~~

~~**1004. Domestic Cervidae.** Elk, fallow deer, and reindeer owned by a person. (3-31-22)~~

~~**1105. Eradication.** The complete elimination of bovine tuberculosis from cattle, domestic cervidae, bison and goats in a state so that the disease does not appear unless introduced from another species or from outside the state. (3-31-22)~~

~~**12. Exposed.** Animals that have had contact with other animals, herds, or materials that have been determined to be infected with or affected by *Mycobacterium bovis*. (3-31-22)~~

~~**13. Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (3-31-22)~~

~~**1406. Free Area.** The counties, areas, or districts not quarantined by the Division of Animal Industries for tuberculosis. (3-31-22)~~

~~**15. Herd.** Any group of cattle, bison, goats, and domestic cervidae maintained on common ground, or two (2) or more groups of cattle, bison, goats, and domestic cervidae under common ownership or supervision that are geographically separated from other groups but can have an interchange or movement without regard to health status. (3-31-22)~~

~~**16. Herd Depopulation.** The destruction of all cattle, bison, goats, and domestic cervidae exposed to bovine tuberculosis in a herd. (3-31-22)~~

~~**17. Interstate Movement.** Movements of cattle, bison, goats, and domestic cervidae from Idaho into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into Idaho. (3-31-22)~~

~~**18. Intrastate Movement.** Movement of cattle, bison, goats, and domestic cervidae within Idaho. (3-31-22)~~

~~**19. Negative.** Any cattle, bison, domestic cervidae, or goats that show no response to the tuberculin test, or are classified by the testing laboratory as negative for tuberculosis. (3-31-22)~~

~~**20. Official Tuberculin Test.** A test for bovine tuberculosis, approved by APHIS, applied and reported by approved personnel in accordance with the UMR. (3-31-22)~~

~~**2107. Public Stockyards.** Premises where trading in cattle, bison, goats, and domestic cervidae is carried on, where yarding, feeding and watering places are provided by the stockyards or transportation companies, or where cattle, bison, goats, and domestic cervidae associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals. (3-31-22)~~

~~22. **Quarantined Area.** The counties, areas, or portions thereof, quarantined by the Division of Animal Industries for tuberculosis. (3-31-22)~~

~~23. **Quarantined.** Isolation of all animals diseased or exposed thereto, from contact with healthy animals and exclusion of such healthy animals from enclosures or grounds where said diseased or exposed animals are, or have been kept. (3-31-22)~~

~~24. **Reactor.** Any cattle, domestic cervidae, bison or goat that shows a response to an official tuberculosis test and is classified a reactor by the testing veterinarian or DTE; or any animal that is classified a reactor upon slaughter inspection or necropsy. (3-31-22)~~

~~25. **Restrain.** The confinement of cattle, bison, goats, or domestic cervidae in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (3-31-22)~~

~~26. **State Animal Health Official.** The Administrator, or his designee, responsible for animal disease control and eradication activities. (3-31-22)~~

~~27. **Suspect.** Any cattle, bison, domestic cervidae, or goat that shows a response to a tuberculin test as stated in the UMR for bovine tuberculosis, and is not classified a reactor. (3-31-22)~~

~~28. **Tuberculin.** A product that is approved by, and produced under, USDA license for injection into cattle, bison, goats, and domestic cervidae for the purpose of detecting bovine tuberculosis. (3-31-22)~~

~~011. **ABBREVIATIONS.**~~

~~01. **APHIS.** Animal Plant Health Inspection Service. (3-31-22)~~

~~02. **AVIC.** Area Veterinarian in Charge. (3-31-22)~~

~~03. **CCT.** Comparative Cervical Tuberculin Test. (3-31-22)~~

~~04. **CFR.** Code of Federal Regulations. (3-31-22)~~

~~05. **CFT.** Caudal Fold Tuberculin Test. (3-31-22)~~

~~06. **DTE.** Designated Tuberculosis Epidemiologist. (3-31-22)~~

~~07. **NGL.** No Gross Lesion(s). (3-31-22)~~

~~08. **NVSL.** National Veterinary Services Laboratories in Ames, Iowa. (3-31-22)~~

~~09. **UMR.** Uniform Methods and Rules. (3-31-22)~~

~~10. **USDA.** United States Department of Agriculture. (3-31-22)~~

~~11. **VS.** Veterinary Services. (3-31-22)~~

~~012. -- 019. (RESERVED)~~

~~020. **APPLICABILITY.**~~

~~These rules apply to all cattle, bison, domestic cervidae, and goats located within, imported into, or exported from the state of Idaho, and other tuberculosis-susceptible animals. (3-31-22)~~

~~021. **SUPERVISION.**~~

~~The official tuberculosis eradication program will be supervised by full-time state or federal veterinarians. (3-31-22)~~

~~022. **INSPECTIONS.**~~

In order to ascertain compliance with this chapter, state and federal animal health officials are authorized to inspect animals, records, premises and other areas where cattle, bison, goats, domestic cervidae and other animals are held or kept. (3-31-22)

01. Entering and Inspection Premises. ~~In order to conduct activities authorized by this chapter, s~~ State or federal animal health officials are authorized to enter premises, other areas, or conveyances in the state where cattle, bison, goats, domestic cervidae or other tuberculosis susceptible animals are held or kept. ~~State or federal animal health officials and~~ will attempt to notify the owner or operator of the premises or conveyance prior to conducting ~~an a facility or records~~ inspection. In an emergency, as determined by the Idaho State Department of Agriculture (ISDA) Administrator of the Division of Animal Industries (Administrator), prior notification will not be required. (3-31-22)()

02. Emergencies. ~~In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 may be waived.~~ (3-31-22)

02. Maintain Biosecurity. State and federal animal health officials shall comply with the biosecurity protocol of the operation so long as the protocol does not inhibit reasonable access to inspect the facility or its' records. ()

023. TUBERCULOSIS TESTS.

Official tests for tuberculosis will be conducted only by persons authorized by the Administrator, and ~~USDA/APHIS/ VS United States Department of Agriculture (USDA)/Animal and Plant Health Inspection Service (APHIS)/ Veterinary Services (VS).~~ (3-31-22)()

01. Authorized Person. The Administrator may authorize state or federal animal health officials, or accredited veterinarians to perform official tuberculin tests. (3-31-22)

02. Tuberculin Test Interpretation. The injection site on each animal shall be palpated by the authorized person that administered the tuberculin injection. The Administrator may grant variances from Subsection 023.02 on a case by case basis. (3-31-22)

024. REPORTING.

01. Test Results. Results of all official tuberculin tests shall be submitted ~~to the Division of Animal Industries~~ on an electronic form, approved by the Administrator, within seven (7) days of initiation of the test. (3-31-22)()

02. Disease. All owners of animals, and veterinarians, shall report evidence of tuberculosis infection to the Administrator, by telephone or facsimile, within twenty-four (24) hours of the discovery of the disease. (3-31-22)

025. QUARANTINES.

All cattle, bison, goats, and domestic cervidae animals or herds that are exposed to, or infected with tuberculosis shall be quarantined. (3-31-22)

01. Infected Herds. Infected herds or animals remain under quarantine until such time as the herd has been completely depopulated or the provisions for release of quarantine provided in the UMR for bovine tuberculosis have been met. (3-31-22)

02. Exposed Herds. The quarantine for exposed herds or animals may take the form of a Hold Order, which remains in effect until the exposed animals have been tested negative or the provisions for release of quarantine provided in the UMR for bovine tuberculosis are met. (3-31-22)

03. Validity of Quarantine. The quarantine is valid whether or not it is acknowledged by signature of the owner. (3-31-22)

026. CLEANING AND DISINFECTING.

The Administrator is authorized to order the owner or operator of stockyards, pens, trucks, trailers, cars, vessels,

~~chutes, and other conveyances and premises to clean and disinfect the same, at the owner's expense, whenever necessary for the eradication of tuberculosis. Cleaning and disinfecting shall be done under the supervision of state or federal animal health officials.~~ (3-31-22)

~~**01. Infected Premises.** Premises, conveyances, or other areas where infected animals have been held or kept shall be cleaned and disinfected within fifteen (15) days following the removal of reactors or the entire herd.~~ (3-31-22)

~~**02. Exemptions.** The Administrator may authorize an exemption from cleaning and disinfection requirements on a case-by-case basis.~~ (3-31-22)

~~**03. Extension of Time.** The Administrator may authorize an extension of time for cleaning and disinfection under extenuating circumstances.~~ (3-31-22)

~~**0275. – 027.**~~ (RESERVED)

028. TUBERCULOSIS TESTING.

The Administrator may require tuberculosis testing of cattle, bison, goats, domestic cervidae, or other animals. (3-31-22)

01. Duty to Restrain. It is the duty of each person who owns cattle, bison, goats, domestic cervidae, or other animals to pen the animals in suitable pens and restrain them for the test when directed to do so in writing by the Administrator. (3-31-22)

02. Records of Tests. When any cattle, bison, goats, domestic cervidae, or other animals are tested for tuberculosis a complete test record shall be made and the record shown on an official electronic tuberculosis test form provided by the Administrator, ~~which includes all of the following information:~~ (3-31-22)()

- ~~a. The name and address of the owner and the location of the animals at the time of the test.~~ (3-31-22)
- ~~b. The name and signature of the person conducting the test.~~ (3-31-22)
- ~~c. Individual identification number of each animal and the registration name and number of each purebred animal.~~ (3-31-22)
- ~~d. Age of each animal.~~ (3-31-22)
- ~~e. Sex of each animal.~~ (3-31-22)
- ~~f. Breed of each animal.~~ (3-31-22)
- ~~g. Species of animals tested.~~ (3-31-22)
- ~~h. Test results for each animal.~~ (3-31-22)

029. TUBERCULOSIS EMERGENCY. (RESERVED)

~~In order to prevent the re-establishment of tuberculosis infection in cattle, bison, goats or domestic cervidae in the state, the Director may declare an animal health emergency.~~ (3-31-22)

~~**01. Tuberculosis in Idaho.** The Director may declare a tuberculosis emergency in the event that tuberculosis is diagnosed in any cattle, bison, goats or domestic cervidae in Idaho.~~ (3-31-22)

~~**02. Tuberculosis in Adjacent Area.** The Director may declare a tuberculosis emergency in the event that tuberculosis is discovered in areas outside the state that could result in transmission of tuberculosis to Idaho cattle, bison, goats, or domestic cervidae.~~ (3-31-22)

030. TUBERCULOSIS INDEMNITY.

Owners of animals that are condemned and depopulated because of tuberculosis shall be indemnified for such animals, based upon appraised value, less federal indemnity and salvage value, and for reasonable actual costs of disposal and cleaning and disinfection in accordance with the provisions of this chapter, except as provided in Section 031. (3-31-22)

~~01. Indemnity Payments. Payments are based upon the appraised value, less federal indemnity and salvage value for the animals. (3-31-22)~~

021. Time Limit for Slaughter. Payment of indemnity is made under Section 030 for animals destroyed because of tuberculosis, only if the animals are shipped to slaughter or die otherwise within fifteen (15) days after the date of individual identification and tagging. The Administrator may extend the period for thirty (30) days. (3-31-22)

~~032. Verification of Reactors That Die. Indemnity may be paid on tuberculosis reactors that die before being sent to slaughter provided the reactors have been appraised and identified and die within fifteen (15) days from date of appraisal and written verification of the official ID of the dead carcass is provided by a state or federal animal health official. (3-31-22)()~~

~~a. The reactors have been appraised and identified and die within fifteen (15) days from the date of appraisal; and (3-31-22)~~

~~b. The state or federal animal health officials directing the disease control work are furnished with a signed statement by a veterinarian attesting that he observed the carcass of the dead animal, the reactor tag number found in the left ear of the animal, and date of death. (3-31-22)~~

~~04. Other Costs. Reimbursement for disposal costs and cleaning and disinfection costs will not exceed the actual cost. (3-31-22)~~

031. TUBERCULOSIS INDEMNITY -- CLAIMS NOT ALLOWED.

Claims for compensation for animals destroyed because of tuberculosis are not allowed if any of the following circumstances exist: (3-31-22)

01. Failure to Comply. The owner has failed to comply with any of these rules. (3-31-22)

02. Illegal Imports. The animals were illegally imported into the state. (3-31-22)

03. Animals Sold for Slaughter. At the time of the test or condemnation, the animals belonged to or were upon the premises of any person to whom the animals had been sold, shipped, or delivered for slaughter. (3-31-22)

04. Unapproved Test. The animals were subject to a test not approved by the Administrator. (3-31-22)

05. Untested Animals. All animals in the owner's herd have not been tested for tuberculosis under state or federal supervision. (3-31-22)

06. Premises Not Cleaned. The premises occupied by the tuberculosis infected animals were not cleaned and disinfected as directed, under state or federal supervision. (3-31-22)

07. Attempt to Improperly Obtain Funds. There is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such animals. (3-31-22)

08. Unidentified Cattle and Bison. Cattle or bison destroyed because of tuberculosis, unless they were marked for identification by branding the letter "T" on the left hip near the tailhead, not less than two (2) inches high, and unless a metal tag bearing a serial number and inscription "US REACTOR" or similar US Reactor tag, was suitably attached to the left ear of each animal. (3-31-22)

09. Calves. If the entire herd is not depopulated and the cattle or bison were calves under one hundred eighty (180) days of age. (3-31-22)

032. -- 099. (RESERVED)

100. OFFICIAL IDENTIFICATION.

All cattle, bison, domestic cervidae, and goats tested for tuberculosis shall be individually identified by official eartag, individual tattoo, or individual brand, individual identification as provided in the UMR Uniform Methods and Rules (UMR) for bovine tuberculosis, at the time of injection. (3-31-22)()

~~101. CATTLE, BISON, GOATS, AND DOMESTIC CERVIDAE MARKET RELEASE.~~

~~The accredited veterinarian authorized to provide veterinary services at a specifically approved livestock market shall perform a clinical inspection of all cattle, bison, goats, and domestic cervidae and accurately complete a "Saleyard Release" form, certificate of veterinary inspection, or other market release mechanism certifying that the animals meet the health requirements for movement to the point of destination prior to any animals being released from the livestock market.~~ (3-31-22)

~~102~~1. -- 119. (RESERVED)

120. CLASSIFICATION AND DISPOSITION OF CATTLE, BISON, AND DOMESTIC CERVIDAE.

Classification and disposition of cattle, bison, and domestic cervidae that are tested for tuberculosis ~~is determined and respond to the tuberculin test shall be~~ pursuant to the UMR for bovine tuberculosis. (3-31-22)()

121. -- 199. (RESERVED)

200. PROCEDURES FOR INFECTED HERDS AND FEEDLOTS.

Disclosure of tuberculosis in any herd or feedlot shall be followed by a complete epidemiological investigation and testing as provided in the UMR for bovine tuberculosis. (3-31-22)()

201. -- ~~209~~. (RESERVED)

~~210. PROCEDURES FOR TUBERCULOSIS- INFECTED FEEDLOTS.~~

~~A tuberculosis-infected feedlot is handled in the same manner as an affected herd in regard to epidemiological investigation and the development of epidemiological tracings for animal movements into and out of the feedlot.~~ (3-31-22)

~~211. -- 219. (RESERVED)~~

~~220. DISPOSITION OF TUBERCULIN RESPONDING CATTLE, BISON, AND DOMESTIC CERVIDAE.~~

~~Cattle, bison, and domestic cervidae that respond to the tuberculin test shall be handled according to the UMR for bovine tuberculosis.~~ —(3-31-22)

~~221. -- 249. (RESERVED)~~

~~250. IDENTIFICATION OF REACTOR CATTLE AND BISON.~~

~~01. "T" Branding and Tagging.~~ Reactor cattle and bison shall be identified by branding the letter "T" on the left hip near the tailhead, not less than two (2) inches and not more than three (3) inches high, and by tagging with an approved metal eartag bearing a serial number and inscription "U.S. Reactor" or a similar State reactor tag suitably attached to the left ear of each animal. (3-31-22)

~~02. Shipping Without Branding.~~ In lieu of branding, the reactor(s) may be shipped to slaughter in an officially sealed vehicle or accompanied to slaughter by a state or federal animal health official provided such reactor(s) have the letters "TB" sprayed on the left hip with yellow paint. (3-31-22)

~~251. -- 259. (RESERVED)~~

260. IDENTIFICATION OF EXPOSED CATTLE AND BISON.

Cattle and bison exposed to bovine tuberculosis are to be identified in the following manner: (3-31-22)

01. "S" Branding and Tagging. To be eligible for federal indemnity, exposed cattle and bison shall be identified by branding the letter "S" on the left hip near the tailhead, not less than two (2) inches nor more than three (3) inches high, and by tagging with an approved metal ear tag bearing a serial number attached to either ear of each animal. (3-31-22)

02. Shipping Without Branding. In lieu of branding, such animals may be accompanied to slaughter by a state or federal animal health official or be shipped in vehicles sealed with official seals. (3-31-22)

261. -- 299. (RESERVED)

300. RETESTING OF HIGH-RISK HERDS.

Retesting schedules for high-risk herds of cattle and bison are determined pursuant to the UMR for bovine tuberculosis. (3-31-22)

301. -- 399. (RESERVED)

401. IDAHO APPROVED FEEDLOT.

Cattle and domestic bison of unknown Tuberculosis test status may be fed for slaughter only in an Approved Feedlot, with no provisions for pasturing, grazing, or removal from the feedlot other than to slaughter. Requirements to obtain status as and operate an Idaho Approved Feedlot are pursuant to IDAPA 02.04.20.200. (3-31-22)()

402. APPLICATION FOR DESIGNATION AS AN APPROVED FEEDLOT

Applications for Approved Feedlot status are made on forms available from the Administrator. (3-31-22)

403. ADMINISTRATOR APPROVAL.

The Administrator may approve feedlot applications after the feedlot has been inspected by state or federal animal health officials and: (3-31-22)

01. Cattle Secured. The feedlot management has demonstrated that cattle of unknown Tuberculosis test status can be secured in the feedlot; and (3-31-22)

02. Adequate Records. Feedlot records are adequate to show the origin and disposition of the cattle in the feedlot; and (3-31-22)

03. Adequate Resources. The Administrator determines that the Division of Animal Industries has adequate human and fiscal resources to assure that the feedlot abides by the provisions of this chapter; and (3-31-22)

04. Past History. The Administrator may take any past enforcement or violation history into consideration when making the final determination of whether or not to approve a feedlot. (3-31-22)

404. APPROVED FEEDLOT NUMBER.

Feedlots approved by the Administrator will receive an Idaho Approved Feedlot Number. (3-31-22)

405. EXPIRATION OF APPROVED STATUS.

Approved Feedlot status expires on September 1 of each year. It is the responsibility of feedlot management to apply each year for renewal of approved status. (3-31-22)

406. -- 499. (RESERVED)

500. MOVEMENT OF INFECTED AND EXPOSED CATTLE, DOMESTIC CERVIDAE, OR BISON.

All movement of infected or exposed cattle, domestic cervidae, or bison is on a restricted movement permit in accordance with the UMR for bovine tuberculosis. (3-31-22)

501. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.04.26 – RULES GOVERNING THE PUBLIC EXCHANGE OF LIVESTOCK
DOCKET NO. 02-0426-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 25-203](#), [25-305](#), [25-401](#), [25-601](#), [25-1723\(b\)](#), and [25-3520](#), 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 15, 2025.

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:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's [Zero-based Regulation Executive Order](#). Negotiated rulemaking meetings were held on June 30 and July 14 with broad stakeholder participation.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees associated with this rule.

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

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 33-34](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

CFR Title 9 is incorporated due to requirements from the federal government on livestock disease management.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0426-2501
(ZBR Chapter Rewrite.)

02.04.26 – RULES GOVERNING THE PUBLIC EXCHANGE OF LIVESTOCK

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of Sections 25-203, 25-305, 25-401, 25-601, 25-1723(b), and 25-3520, Idaho Code.~~ (3-15-22)()

001. ~~TITLE AND SCOPE.~~

~~01. Title.~~ The title of this chapter is “Rules Governing the Public Exchange of Livestock.” (3-15-22)

~~02. Scope.~~ These rules govern the record keeping of livestock dealers and facilities, record keeping, identification, quarantine and movement of livestock through buying stations, trader lots and livestock markets. (3-15-22)()

002. -- 109. (RESERVED)

SUBCHAPTER A – LIVESTOCK DEALERS, BUYING STATIONS, AND LIVESTOCK TRADER LOTS

110. DEFINITIONS.

The definitions apply in the interpretation and enforcement of Subchapter A only. (3-15-22)

01. **Accredited Veterinarian.** A veterinarian approved by the Idaho State Department of Agriculture (ISDA) Administrator of the Division of Animal Industries (Administrator) and the USDA/APHIS/VS United States Department of Agriculture (USDA)/Animal and Plant Health Inspection Service (APHIS)/Veterinary Services (VS), in accordance with provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-15-22)()

02. **Approved Slaughter Establishment.** A USDA inspected slaughter establishment where ante-mortem and post-mortem inspection is conducted by USDA inspectors. (3-15-22)

03. **Cattle.** All domestic bovidae including domestic bison, owned by a person. (3-15-22)()

04. ~~Domestic Bison.~~ All animals in the genus *Bison* owned by a person. (3-15-22)

~~05.~~ **Domestic Cervidae.** Elk, fallow deer, and reindeer owned by a person. (3-15-22)

06. ~~Epithelioma of the Eye.~~ A carcinoma of the eye of cattle commonly known as cancer eye. (3-15-22)

~~07. Federal Animal Health Official.~~ An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (3-15-22)

~~08. Interstate Movement.~~ Movement of livestock from Idaho into any other state, territory or the District of Columbia, or from any other state, territory or the District of Columbia into Idaho. (3-15-22)

~~09.~~ **Livestock.** Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (3-15-22)

- ~~10. Lump Jaw.~~ Condition also known as actinomyces in cattle. (3-15-22)
- ~~11. Official Ear Tag.~~ APHIS approved identification ear tags conforming to the alphanumeric national uniform ear tagging system including official brucellosis vaccination ear tags, or NAIS compliant ear tags, that provide unique identification for each animal. (3-15-22)
- ~~1206. Official Identification.~~ Official USDA approved ear tag, USDA Backtag, breed registration tattoo, A nationally unique number, usually affixed to an APHIS approved device, that is permanently associated with an animal or group of animals that adheres to an identity standard or identification method approved by the Administrator. (3-15-22)()
- ~~13. Official Brucellosis Vaccination Ear Tag.~~ An APHIS approved identification ear tag conforming to the alphanumeric national uniform ear tagging system that provides unique identification for each animal. (3-15-22)
- ~~14. Operator.~~ The person who has authority to manage or direct a buying station or livestock trader lot. (3-15-22)
- ~~15. Owner.~~ The person who owns or has financial control of a buying station, livestock trader lot or cattle. (3-15-22)
- ~~16. Parturient.~~ Visibly prepared to give birth or within two (2) weeks before giving birth. (3-15-22)
- ~~17. Postparturient.~~ Having already given birth. (3-15-22)
- ~~1807. Premises.~~ The ground, area, buildings, corrals, and equipment utilized to keep, hold, or maintain animals. (3-15-22)
- ~~1908. Previous Location.~~ The premises where cattle were confined immediately prior to delivery to a buying station, livestock trader lot, or purchase by a livestock dealer. (3-15-22)
- ~~2009. Restraint.~~ The confinement of cattle in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (3-15-22)
- ~~2110. State Animal Health Official.~~ The Administrator, or his designee, responsible for disease control and eradication activities. (3-15-22)
- ~~2211. Test Eligible.~~ Unless otherwise specifically provided in these rules, all sexually intact cattle and domestic bison ~~eighteen~~ twelve (~~18~~12) months of age and over, and all parturient, and postparturient cattle and domestic bison regardless of age. (3-15-22)()
- ~~2312. USDA Backtag.~~ A backtag issued by APHIS that conforms to the eight-character alphanumeric National Backtagging System that provides unique identification for each animal. (3-15-22)
- ~~111. ABBREVIATIONS:~~
- ~~01. APHIS.~~ Animal and Plant Health Inspection Service. (3-15-22)
- ~~02. AVIC.~~ Area Veterinarian In Charge. (3-15-22)
- ~~03. CAFO.~~ Concentrated Animal Feeding Operation. (3-15-22)
- ~~04. CFR.~~ Code of Federal Regulations. (3-15-22)
- ~~05. NAIS.~~ National Animal Identification System. (3-15-22)
- ~~06. USDA.~~ United States Department of Agriculture. (3-15-22)

~~07. VS. Veterinary Services. (3-15-22)~~

~~112~~1. -- 119. (RESERVED)

120. APPLICABILITY.

Subchapter A applies to livestock dealers, buying stations, and livestock trader lots operating in Idaho. (3-15-22)

121. -- 129. (RESERVED)

130. INSPECTIONS.

~~To prevent the introduction and dissemination, or to control and eradicate diseases, s~~State and federal animal health officials are authorized to inspect ~~livestock~~ all records, premises, facilities, and livestock to ensure compliance with the provisions of this chapter and other state or federal laws or rules ~~applicable to livestock dealers, buying stations and livestock trader lots.~~ (3-15-22)()

01. Entering and Inspection of Premises. ~~In order to conduct activities authorized by this chapter, s~~State or federal animal health officials are authorized to enter buying stations or livestock trader lots. ~~State or federal officials and~~ will attempt to notify the owner or operator of the premises prior to conducting ~~an~~ a facility or records inspection. In an emergency, as determined by the Administrator, prior notification will not be required. (3-15-22)()

02. Inspecting Records. ~~To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to access, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises prior to inspecting records.~~ (3-15-22)

03. Emergencies. ~~In the event of an emergency, as determined by the Administrator, the notification requirements of this section are not required.~~ (3-15-22)

131. -- 139. (RESERVED)

140. LIVESTOCK TREATMENT.

Each livestock dealer, buying station and livestock trader lot shall humanely treat all livestock. All non-ambulatory livestock shall be: (3-15-22)

01. Returned. Returned to premises of origin; or (3-15-22)

02. Fed and Watered. Provided adequate feed and clean water; or (3-15-22)

03. Euthanized. Humanely euthanized. (3-15-22)

~~141. -- 149. (RESERVED)~~

~~150. DEAD ANIMAL DISPOSAL.~~

~~The movement and disposal of all dead animals shall be pursuant to the provisions of IDAPA 02.04.17, "Rules Governing Dead Animal Movement and Disposal."~~ (3-15-22)

~~151. -- 159. (RESERVED)~~

~~160. ENVIRONMENTAL REQUIREMENTS.~~

~~All buying stations and livestock trader lots shall meet the provisions of IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations."~~ (3-15-22)

~~161. -- 199. (RESERVED)~~

200. LIVESTOCK DEALERS RECORDS.

Livestock dealers that do not operate buying stations or livestock trader lots shall keep complete and accurate records such that cattle purchased may be traced to the previous location, previous owner and the subsequent owner. Records must be maintained for a period of not less than two (2) years and shall be made available to the Administrator upon request. (3-15-22)()

201. -- 209. (RESERVED)

220. CONTENT OF RECORDS.

Livestock dealer records shall include, but are not limited to: (3-15-22)

01. Owner Name, Telephone Number, and Address. ~~The name, telephone number, and address of the owner of the cattle prior to purchase by the livestock dealer.~~ (3-15-22)()

02. **Identification.** All cattle shall be identified to their previous location with a form of identification approved by the Administrator. (3-15-22)

03. Address of Previous Location. ~~The location where cattle were held prior to purchase by the livestock dealer shall be either the NAIS premises identification number or the physical address.~~ (3-15-22)()

04. **The Date of Purchase.** The date individual cattle were purchased. (3-15-22)

05. **Date of Sale.** Date individual cattle were sold or changed ownership. (3-15-22)

06. **Name, Telephone Number, and Address of the Purchaser of Cattle.** The name, telephone number, and address of the person that purchased cattle from the livestock dealer. (3-15-22)

07. **Death Loss.** An accurate account of all death loss, including identification, and disposition of the dead cattle. (3-15-22)

221. -- ~~229.~~ (RESERVED)

~~**230. RECORDS RETENTION.**~~

~~Livestock dealers shall retain all records relating to cattle for a period of not less than two (2) years. Records must be made available to the administrator upon request.~~ (3-15-22)

~~231. -- 239.~~ (RESERVED)

240. APPROVED FORMS OF IDENTIFICATION.

The following are approved forms of identification. (3-15-22)

01. **USDA Approved Backtag Official Identification.** (3-15-22)()

~~02. Official USDA Ear Tag.~~ (3-15-22)

~~03.~~ **Registration Tattoo.** Breed registration tattoo and corresponding registration papers. (3-15-22)

~~04.~~ **Brand Inspection.** Statement of ownership such as a brand inspection certificate. (3-15-22)

~~05.~~ **Administrator Approval.** The Administrator may approve other forms of individual identification on a case-by-case basis. (3-15-22)

~~06.~~ **Removal of Animal Official Identification.** ~~No approved or official animal identification shall be removed, tampered with or otherwise altered.~~ It is unlawful to removed, tampered with or otherwise altered official livestock identification. (3-15-22)()

241. -- 299. (RESERVED)

300. APPROVED BUYING STATIONS.

No livestock dealer shall operate a buying station prior to submitting an application and receiving approval from the Administrator. Applications shall be submitted to ISDA on a department-approved form. All cattle entering the buying station shall be shipped to an approved slaughter establishment within seven (7) days of arrival at the buying station. (3-15-22)()

301. ~~APPLICATION FOR DESIGNATION AS AN IDAHO APPROVED BUYING STATION.~~(RESERVED)

~~Application for designation as an Idaho approved buying station shall be made on application forms available from the Administrator.~~ (3-15-22)

302. ADMINISTRATOR APPROVAL.

~~State or federal animal health officials will inspect all buying stations p~~Prior to approval by the Administrator, all facilities must be inspected by state officials to verify compliance with all buying station laws and rules. ~~The Administrator may take any p~~Past enforcement or violation history of the owner or operator of the ~~buying station facility may be taken~~ into consideration when making the final ~~approval~~ determination. (3-15-22)()

303. APPROVED BUYING STATION NUMBER.

~~The license number~~To operate an approved buying station, the applicant must also hold an active livestock dealer license, issued ~~to the livestock dealer~~ by the State Brand Board, which will be used to identify the approved buying station. (3-15-22)()

304. EXPIRATION OF APPROVED STATUS.

Approved buying station status will ~~remain in effect unless the status is revoked by the Administrator or there is a change in ownership or operator~~ expire on September 1 of each year. ~~If there is a change in ownership or operator, i~~ It is the responsibility of ~~the new buying station owner or operator to apply for reinstatement of~~ management to apply each year for renewal of approved status. (3-15-22)()

305. REVOCATION OF APPROVED BUYING STATION STATUS.

~~In addition to any other Department administrative or civil action, t~~The Administrator may withdraw or deny the approval of any buying station, by notifying the owner in writing, when one (1) or more of the following conditions exist: (3-15-22)()

01. Recordkeeping Requirements. There is evidence that the owner or operator of the buying station violated the recordkeeping requirements of this rule, or animal health regulations. (3-15-22)

02. Inability to Trace Animals. There is a repeated history of an inability to trace ~~the affected, exposed or reactor~~ cattle handled by the buying station to the previous location and owner. (3-15-22)()

03. Violations. A buying station violates any of the provisions of Subchapter A. (3-15-22)

04. Owner Request. ~~Owners may have the~~ Requests to revoke approved status ~~revoked by emptying the buying station and requesting in writing that the status be revoked~~ may be submitted in writing. (3-15-22)()

05. Regulation Changes. Idaho approved buying station status may be revoked as required by changes in state or federal rules or regulations. (3-15-22)

306. DISPOSITION OF CATTLE.

When approved buying station status is revoked, cattle still in the buying station shall be removed directly to an approved slaughter establishment within seven (7) days. (3-15-22)

307. -- 314. (RESERVED)

315. IDENTIFICATION.

All cattle shall be individually identified with an official USDA backtag immediately upon arrival at a buying station. Animal identification is to be maintained to slaughter and shall not be removed, tampered with or otherwise altered. (3-15-22)

316. -- 319. (RESERVED)

320. BUYING STATION RECORDS.

~~Each buying station shall keep sufficient records of all livestock that enter, leave, or die on the premises to enable state or federal animal health officials to trace such animals satisfactorily to their previous location.~~ Buying stations shall keep complete and accurate records such that cattle purchased may be traced to the previous location or owner. Records must be maintained for a period of not less than two (2) years and shall be made available to the Administrator upon request. (3-15-22)()

321. CONTENT OF RECORDS -- BUYING STATIONS.

~~Buying station records shall include, but are not limited to:~~ (3-15-22)

01. Owner Name, Telephone Number, and Address. ~~The name, telephone number, and address of:~~ (3-15-22)()
 - ~~a. The owner of the livestock entering the buying station; and~~ (3-15-22)
 - ~~b. The person delivering the livestock to the buying station.~~ (3-15-22)
02. **Individual Identification.** Individual USDA Backtag number for each animal entering the buying station. (3-15-22)
03. Address of Previous Location. ~~The location where cattle were held prior to purchase by the buying station shall be either the NAIS premises identification number or the physical address.~~ (3-15-22)()
04. ~~The Date of Entry~~ to Buying Station. ~~The date individual cattle enter a buying station.~~ (3-15-22)()
05. **Date of Shipment to Slaughter.** (3-15-22)
06. **Approved Slaughter Establishment Destination.** ~~Name and address of the approved slaughter establishment.~~ (3-15-22)()
07. **Death Loss.** An accurate account and description of all death loss, including ~~individual~~ the official identification ~~number~~ and disposition of the dead cattle. (3-15-22)()
- ~~08. **Dead Animals.** An accurate description, including any forms of identification, of any dead animals that are left at the buying station by other persons.~~ (3-15-22)

~~322. BUYING STATION RECORDS RETENTION.~~

~~All records relating to cattle that have been in the buying station facility shall be retained for a period of not less than two (2) years. Records must be made available to the administrator upon request.~~ (3-15-22)

~~323.~~ -- 329. (RESERVED)

330. CATTLE SUBJECT TO QUARANTINE -- BUYING STATIONS.

No cattle ~~that have reacted to the brucellosis or tuberculosis test, or cattle affected with, or~~ suspected of being affected with a foreign animal or reportable disease, shall be allowed to enter, occupy, or be sold from a buying station unless permitted by the Administrator. (3-15-22)()

331. -- 339. (RESERVED)

340. PREMISES REQUIREMENTS.

An approved buying station shall meet the following requirements: (3-15-22)

01. **Restraint System.** ~~A restraint system, approved by the Administrator, for humanely, efficiently and effectively restraining livestock for the purpose of inspecting, identifying or testing of animals by state or federal~~

~~animal health officials.~~

~~(3-15-22)()~~

02. Feed and Water. Provide access to a clean source of water sufficient for the number of animals present, and an adequate quality and quantity of feed for all cattle that are on the premises for over twelve (12) hours.
(3-15-22)

~~**03. Pens.** Comply with IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and pens that contain cattle on the premises for over twelve (12) hours provide adequate pen space for the cattle to rest and ruminate, and provide adequate drainage.~~
(3-15-22)

~~**04.**~~ **03. Fences.** Construct and maintain fences sufficient to prevent the escape of livestock from the premises, as determined by the Administrator.
(3-15-22)()

~~**05. Condition.** Maintain premises in good repair.~~ (3-15-22)

341. -- 349. (RESERVED)

350. SANITATION.

All buying stations shall be maintained in a sanitary condition. The buying station shall provide the necessary equipment to clean and disinfect the premises, and the owner or operator of the buying station shall clean and disinfect the premises at the direction of the Administrator.
(3-15-22)

351. -- 359. (RESERVED)

360. SIGNAGE.

Each buying station shall comply with the following signage requirements: (3-15-22)

01. Wordings. Signs state "ALL CATTLE ENTERING THIS FACILITY SHALL GO DIRECTLY TO SLAUGHTER."
(3-15-22)

02. Color. Lettering in red and not less than four (4) inches in height on a white background. (3-15-22)

03. Location. Signs placed prominently at each entrance, exit, and cattle loading or unloading facility.
(3-15-22)

361. -- 369. (RESERVED)

370. LOCATION OF BUYING STATIONS.

All buying stations shall be located separate and apart from any other cattle handling facilities, as determined by the Administrator, that handle to clearly distinguish from any cattle not destined to slaughter within seven (7) days.
(3-15-22)()

371. -- 499. (RESERVED)

500. APPROVED LIVESTOCK TRADER LOTS.

All livestock dealers licensed by the Idaho State Brand Board shall receive approval from the Administrator as an Idaho approved feedlot or approved livestock trader lot if the following conditions exist: receiving cattle of unknown disease status or selling brucellosis test eligible cattle to destinations other than an approved slaughter establishment, an approved livestock market, an Idaho approved feedlot, or out of the state of Idaho.
(3-15-22)()

~~**01. Cattle Are Received.** Cattle of unknown disease status are received from the farm or ranch of origin.~~ (3-15-22)

~~**02. Sold to Individuals.** Brucellosis test eligible cattle are sold and transported to destinations other than an approved slaughter establishment, a specifically approved livestock market, an Idaho approved feedlot, or out of the state of Idaho.~~ (3-15-22)

501. APPLICATION FOR APPROVED LIVESTOCK TRADER LOT STATUS.

~~Application for approved livestock trader lot status is made on application forms available from the Administrator.~~
~~No livestock dealer shall operate a livestock trader lot prior to submitting an application and receiving approval from the Administrator. Applications shall be submitted to ISDA on a department-approved form.~~ (3-15-22)()

502. ADMINISTRATOR APPROVAL.

The Administrator may approve livestock trader lot applications after state or federal animal health officials have inspected the trader lot facility and: (3-15-22)

01. Adequate Facilities. The livestock dealer has demonstrated that cattle can be secured and restrained in the facility. (3-15-22)

02. Adequate Records. The livestock dealer's records are adequate to show the origin and disposition of the cattle that enter the facility. (3-15-22)

03. Past History. The Administrator may take any past enforcement or violation history of the owner or operator of the livestock trader lot into consideration when making the final approval determination. (3-15-22)

503. APPROVED LIVESTOCK TRADER LOT NUMBER.

~~The license number~~
~~To operate an approved livestock trader lot, the applicant must also hold an active livestock dealer license issued by the State Brand Board to livestock dealers which shall be used to identify the livestock trader lot.~~ (3-15-22)()

504. EXPIRATION OF APPROVED STATUS.

~~Approved livestock trader lot status remains in effect unless there is a material change in operation, as determined by the Administrator, or the status is revoked by the Administrator. If there is a material change in operation, as determined by the Administrator, it is the responsibility of the livestock dealer to apply for reinstatement of approved status will expire on September 1 of each year. It is the responsibility of trader lot management to apply each year for renewal of approved status.~~ (3-15-22)()

505. -- 519. (RESERVED)

520. IDENTIFICATION.

All cattle shall be identified, to their previous location, with a form of identification approved by the Administrator immediately upon arrival at a livestock trader lot. Animal identification is to be maintained and not be removed, tampered with, or otherwise altered at the approved livestock trader lot. (3-15-22)()

521. APPROVED FORMS OF IDENTIFICATION.

The following are approved forms of individual identification. (3-15-22)

01. USDA Approved Backtag Official Identification. ~~All brucellosis test eligible cattle shipped to approved slaughter establishments must be individually identified with an approved USDA Backtag.~~ (3-15-22)()

~~02. Official USDA Ear Tag.~~ (3-15-22)

~~03. Registration Tattoo.~~ A breed registration tattoo accompanied by registration papers. (3-15-22)

~~04. Brand Inspection.~~ Statement of ownership such as a brand inspection certificate. (3-15-22)

~~05. Administrator Approval.~~ The Administrator may approve other forms of identification on a case-by-case basis. (3-15-22)

~~06. Removal of Individual Animal Official Identification.~~ ~~No approved animal identification shall be removed, tampered with or otherwise altered.~~ It is unlawful to remove, tampered with or otherwise altered livestock official identification. (3-15-22)()

522. ~~CONTENT OF~~ RECORDS FOR APPROVED LIVESTOCK TRADER LOTS.

All approved livestock trader lots shall keep accurate and complete records such that cattle purchased may be traced

to the previous location or owner. Records must be maintained for a period of not less than two (2) years and shall be made available to the Administrator upon request of all cattle that enter, leave, or die on the premises. These records shall readily show: (3-15-22)()

01. **Owner** Name, Telephone Number, and Address. ~~The name, telephone number, and address of:~~
(3-15-22)()
 - ~~a. The owner of the cattle prior to acquisition by the livestock dealer; and~~ (3-15-22)
 - ~~b. The person delivering the cattle to the livestock trader lot.~~ (3-15-22)
02. **Identification.** Identification, approved by the Administrator, for the cattle entering the livestock trader lot. (3-15-22)
03. **Address of Previous Location.** ~~The location where cattle were held prior to entering the livestock trader lot shall be either the NAIS premises identification number or the physical address of the premises.~~ (3-15-22)()
04. **The Date of Entry.** The date the cattle enter a livestock trader lot. (3-15-22)
05. **Date of Shipment Out of the Livestock Trader Lot.** (3-15-22)
06. **Name, Telephone Number, and Address of Shipment Destination.** (3-15-22)
07. **Death Loss.** An accurate account and description of all death loss, including identification and disposition of the dead cattle. (3-15-22)()
- ~~08. **Dead Animals.** An accurate description of any dead animals, including any forms of identification, that are left at the livestock trader lot by other persons. (3-15-22)~~
- ~~09. **Regulatory Requirements.** That all applicable state and federal permit, test, examination, identification and vaccination requirements have been met prior to leaving the approved trader lot. (3-15-22)()~~

~~523. TRADER LOT RECORDS RETENTION.~~

~~Livestock trader lots shall retain their records for a period of not less than two (2) years following removal of the cattle from the premises. Records must be made available to the administrator upon request.~~ (3-15-22)

524 -- 529. (RESERVED)

530. CATTLE SUBJECT TO QUARANTINE -- TRADER LOTS.

No cattle ~~that have reacted to the brucellosis or tuberculosis test, or~~ animals affected with, or suspected of being affected with a foreign animal or reportable disease shall be allowed to enter, occupy, or be sold from a livestock trader lot, unless permitted by the Administrator. (3-15-22)()

531. -- 539. (RESERVED)

540. REMOVAL REQUIREMENTS.

All brucellosis test eligible cattle ~~that are~~ removed from an approved livestock trader lot shall be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian prior to removal, except: (3-15-22)()

01. **Livestock Markets.** Cattle shipped directly to ~~a specifically~~ an approved livestock market. (3-15-22)()
02. **Slaughter.** Cattle shipped directly to an approved slaughter establishment. All cattle destined for slaughter must be individually identified with an approved USDA Backtag. (3-15-22)()
03. **Approved Feedlots.** Cattle shipped directly to an Idaho approved feedlot. (3-15-22)

541. LIVESTOCK DEALER'S DUTY.

It is the duty of a livestock dealer to ensure that all livestock removed from a livestock trader lot are in compliance with the animal health requirements of the state of Idaho and the point of destination prior to departure. (3-15-22)()

542. -- 549. (RESERVED)

550. LIVESTOCK TRADER LOT PREMISES.

Approved livestock trader lots shall ~~meet~~ have and maintain the following requirements: (3-15-22)()

01. Restraint System. ~~A restraint system, approved by the Administrator, for humanely, efficiently and effectively restraining cattle for the purpose of inspecting, identifying, treating or testing of animals by state or federal animal health officials.~~ (3-15-22)()

02. Feed and Water. Provide access to a clean source of water sufficient for the number of cattle present, and an adequate quality and quantity of feed for all cattle on the premises for over twelve (12) hours. (3-15-22)

03. Pens. ~~Comply with IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations," and pens that contain cattle on the premises for over twelve (12) hours provide adequate pen space for the cattle to rest and ruminate and be adequately drained.~~ (3-15-22)

04.3. Fences. ~~Construct fences~~ Containment sufficient to prevent the escape of cattle from the premises, as determined by the Administrator. (3-15-22)()

05. Condition. ~~Maintain premises in good repair.~~ (3-15-22)

551. -- 559. (RESERVED)

560. SANITATION.

All livestock trader lots shall be maintained in a sanitary manner. The livestock dealer shall provide the necessary equipment to clean and disinfect the premises, and the livestock dealer shall clean and disinfect the premises at the direction of the Administrator. (3-15-22)

561. -- 569. (RESERVED)

570. REVOCATION OF APPROVED STATUS.

~~In addition to any other Department administrative or civil action, t~~The Administrator may withdraw or deny the approval of any livestock trader lot by notifying the dealer in writing when one or more of the following conditions exist: (3-15-22)()

01. Recordkeeping Requirements. There is evidence that the livestock dealer violated the recordkeeping requirements of this rule or animal health regulations. (3-15-22)

02. Inability to Trace Animals. There is a repeated history of inability to trace ~~to the affected, exposed, or reactor~~ cattle that enter the livestock trader lot to the previous location and owner. (3-15-22)()

03. Violations. A livestock dealer violates any of the provisions of Subchapter A. (3-15-22)

04. Dealer Request. ~~The livestock dealer may have the approved status revoked by emptying the livestock trader lot and requesting in writing that the status be revoked~~ Requests to revoke approved status may be submitted in writing. (3-15-22)()

05. Regulation Changes. Approved trader lot status may be revoked as required by changes in state or federal rules or regulations. (3-15-22)

571. -- 603. (RESERVED)

SUBCHAPTER B – LIVESTOCK MARKETING

604. INCORPORATION BY REFERENCE.

The following document is incorporated by reference into Subchapter B, sections 604-770 only: (3-15-22)

01. Incorporated Documents. The following documents are incorporated by reference: Code of Federal Regulations, Title 9, Parts 71, 75, 77, 78, 85, and 161, CFR, January 1, 2003, which can be viewed online at <https://www.govinfo.gov/content/pkg/CFR-2003-title9-vol1/pdf/CFR-2003-title9-vol1-chapI.pdf>. (3-15-22)

605. -- 609. (RESERVED)

610. DEFINITIONS.

In addition to the definitions found in Idaho Code sections 25-239 and 25-1721, the following definitions apply in the interpretation and enforcement of Subchapter B only: (3-15-22)

~~01. Accredited Veterinarian. A veterinarian approved by the Administrator and the USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-15-22)~~

021. Approved Slaughter Establishment. A USDA inspected slaughter establishment where ante-mortem and post-mortem inspections are conducted by USDA inspectors. (3-15-22)

~~03. Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (3-15-22)~~

042. Cattle. All domestic bovidae, including domestic bison, owned by a person. (3-15-22)()

~~05. Domestic Bison. All animals in the genus *Bison* owned by a person. (3-15-22)~~

063. Domestic Cervidae. Elk, fallow deer, and reindeer owned by a person. (3-15-22)

~~07. Epithelioma of the Eye. Carcinoma of the eye of cattle commonly known as cancer eye. (3-15-22)~~

~~08. Federal Animal Health Official. An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (3-15-22)~~

~~09. Herd. Any group of livestock maintained on common ground, or two (2) or more groups of livestock under common ownership or supervision that are geographically separated from other groups but can have an interchange or movement without regard to health status. (3-15-22)~~

~~10. Interstate Movement. Movements of livestock from Idaho into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into Idaho. (3-15-22)~~

1104. Livestock. Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (3-15-22)

~~12. Lump Jaw. A condition known as actinomyces or actinobacillosis in cattle. (3-15-22)~~

~~13. Official Ear Tag. An APHIS approved identification ear tag conforming to an alphanumeric national uniform ear tagging system, that provides unique identification for each animal. (3-15-22)~~

1405. Official Individual Identification. ~~Official USDA approved ear tag, USDA back tag, registration tattoo, or identification~~ A nationally unique number, usually affixed to an APHIS approved device, that is permanently associated with an animal or group of animals that adheres to an identity standard or method approved by the Administrator. (3-15-22)()

~~15. Official Vaccination Ear Tag. An APHIS approved identification ear tag conforming to the alphanumeric national uniform ear tagging system that provides unique identification for each animal. (3-15-22)~~

~~16. Operator. The person who has authority to manage or direct a public livestock market. (3-15-22)~~

~~17. Owner. The person who owns or has financial control of a public livestock market. (3-15-22)~~

~~1806. Restraint. The confinement of livestock in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (3-15-22)~~

~~1907. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (3-15-22)~~

~~2008. Tuberculosis. An infectious disease of humans and animals caused by *Mycobacterium bovis*. (3-15-22)~~

~~2109. USDA Back Tag. A back tag issued by APHIS that conforms to the eight (8) character alphanumeric National Back Tagging System and that provides unique identification for each animal. (3-15-22)~~

611. -- 629. (RESERVED)

630. INSPECTIONS.

~~To prevent the introduction and dissemination, or to control and eradicate diseases, s~~State and federal animal health officials are authorized to inspect ~~livestock~~ all records, premises, facilities, and livestock to ensure compliance with ~~the provisions of Subchapter B and other state or federal laws or rules applicable to public livestock markets.~~ (3-15-22)()

01. Entering and Inspection of Premises. ~~In order to conduct activities authorized by Subchapter B, s~~State or federal animal health officials are authorized to enter public livestock market premises during normal business hours and will attempt to notify the owner or operator of the premises prior to conducting a facility or records inspection. In an emergency, as determined by the Administrator, prior notification will not be required. (3-15-22)()

~~02. Inspecting Records. To ensure compliance with the provisions of Subchapter B, state or federal animal health officials are authorized, during normal business hours, to have access to, inspect, review, and copy any livestock records deemed necessary. (3-15-22)~~

631. -- 639. (RESERVED)

640. LIVESTOCK TREATMENT.

Each public livestock market shall humanely treat all livestock. All non-ambulatory livestock shall be: (3-15-22)

01. Returned to the Owner. ~~Returned to the owner;~~ or (3-15-22)()

02. Provided Adequate Feed and Clean Water. ~~Provided adequate feed and clean water;~~ or (3-15-22)()

03. Humanely Euthanized. ~~Humanely euthanized, and disposed of in accordance with IDAPA 02.04.17 "Rules Governing Dead Animal Movement and Disposal."~~ (3-15-22)()

641. -- ~~649.~~ (RESERVED)

~~650. DEAD ANIMAL DISPOSAL.~~

~~The movement and disposal of all dead animals shall be pursuant to the provisions of IDAPA 02.04.17 "Rules Governing Dead Animal Movement and Disposal."~~ (3-15-22)

~~651. -- 659. (RESERVED)~~

~~660. ENVIRONMENTAL REQUIREMENTS.~~

~~All public livestock markets shall meet the provisions of IDAPA 02.04.15 "Rules Governing Beef Cattle Animal Feeding Operations."~~ (3-15-22)

~~661. -- 699. (RESERVED)~~

700. PUBLIC LIVESTOCK MARKET CHARTER.

~~No person shall conduct or operate a public livestock market without first securing a charter from the Department. Charters expire on April 30 of each year. It is the responsibility of the public livestock market operator to apply each year for submit an annual charter renewal on a form prescribed by the Department. The charter renewal form must be on an approved form, accompanied by an annual market charter a renewal fee of one hundred dollars (\$100) and be received by the Department, to ISDA on or before May 1 of each year.~~ (3-15-22)()

701. PUBLIC LIVESTOCK MARKET MINIMUM SALE REQUIREMENT.

Each chartered public livestock market shall conduct a minimum of one (1) sale during each calendar year. (3-15-22)

702. -- 709. (RESERVED)

710. MARKET RELEASE.

Prior to any livestock being released from a public livestock market, the following conditions shall be fulfilled: (3-15-22)

01. **Veterinary Inspection.** A visual inspection, of each animal, made by an accredited veterinarian authorized to provide veterinary services to the market. (3-15-22)

02. ~~Affected Infectious Animals.~~ Immediate isolation of animals determined to be affected by any infectious or contagious disease in quarantine pens subject to the market's bio-security ~~protocol or any animals determined to be affected by any infectious or contagious disease.~~ Infectious animals may not be removed from the livestock market until examined by an accredited veterinarian authorized to provide veterinary services to the market. (3-15-22)()

~~03. Removal of Animals.~~ ~~Animals may not be removed from the livestock market until all animals determined to be affected with a contagious or infectious disease have been examined by an accredited veterinarian authorized to provide veterinary services to the market.~~ (3-15-22)

~~043. Saleyard Release Form Report.~~ Complete Submit an accurate and legible "saleyard release" form, certificate of veterinary inspection, or other market release mechanism report to ISDA, approved by the Administrator ~~certifying that the animals meet the health requirements for movement to the point of destination, detailing the destination of all marketed animals. The saleyard report must be submitted within one (1) week of the completion of the sale.~~ (3-15-22)()

711. -- 714. (RESERVED)

715. BIO-SECURITY PLAN.

All public livestock markets shall submit a bio-security plan to the Administrator for approval. All approved bio-security plans shall be implemented and maintained by the public livestock market. Each bio-security plan includes, but is not limited to, the following elements: (3-15-22)()

01. ~~Identification~~ Infectious Animals. Procedures for identifying, examining, diagnosing, and determining the disposition of all animals ~~that are~~ affected by any contagious or infectious disease. (3-15-22)()

02. **Diagnosis.** ~~Procedures for examination and diagnosis, by an accredited veterinarian, of any animals affected by any contagious or infectious disease.~~ (3-15-22)

03. **Disposition.** ~~Procedures for the disposition of any livestock diagnosed as affected by any~~

~~contagious or infectious disease.~~

(3-15-22)

042. Records. ~~Keep complete and~~ **Maintain** accurate records, on site ~~at the livestock market, showing,~~ that **demonstrate** the market's bio-security plan is being implemented. (3-15-22)()

716. -- 719. (RESERVED)

720. IDENTIFICATION.

All livestock entering a public livestock market shall be individually identified to the herd of origin. (3-15-22)

721. APPROVED FORMS OF IDENTIFICATION.

The following are approved methods of identification. (3-15-22)

01. ~~Back Tag~~ **USDA Approved Official Identification.** ~~USDA approved back tag; or~~ (3-15-22)()

02. ~~Ear Tag.~~ ~~Official USDA ear tag; or~~ (3-15-22)

032. Registration Tattoo; or (3-15-22)

043. Brand Inspection. Statement of ownership ~~such as a~~ **(e.g., brand inspection certificate).** (3-15-22)()

054. Administrator Approval. The Administrator may approve other forms of identification on a case by case basis. (3-15-22)

065. Removal of Identification. ~~No animal identification may be~~ **It is unlawful to** intentionally removed, tampered with, or otherwise altered, **livestock official identification** except as approved by the Administrator. (3-15-22)()

722. -- 729. (RESERVED)

730. QUARANTINE PENS.

A quarantine pen or pens shall be provided at all public livestock markets and such pens used only to hold animals ~~that have reacted to the brucellosis or tuberculosis test or animals~~ affected with, or suspected of being affected with a contagious or infectious disease, ~~epithelioma of the eye, or lump jaw~~. The pens shall comply with the following requirements: (3-15-22)()

01. Hard Surface. Hard surfaced with concrete or similar impervious material in good repair; and (3-15-22)

02. Feed and Water. Adequate feed and clean water facilities that are completely separate from all other livestock; and (3-15-22)

03. Signage. Identified with the word "QUARANTINE" in red letters, not less than four (4) inches high, on a white background on the pen gate; and (3-15-22)

04. Cleaning and Disinfection. Cleaned and disinfected no later than the day following date of sale; and (3-15-22)

05. Fence Construction. Solid fences, constructed by boards or other material approved by the Administrator, and be a minimum of five and one-half (5 ½) feet high; and (3-15-22)

06. Drainage. Drainage shall not be onto adjoining pens, restraint facilities or alleys. (3-15-22)

731. -- 749. (RESERVED)

750. RESTRAINT FACILITIES.

Each public livestock market shall have a restraint system, approved by the Administrator, ~~for humanely, efficiently, and effectively restraining livestock for the purpose of inspecting, identifying, treating, or testing of animals by state or federal animal health officials.~~ (3-15-22)()

751. -- 759. (RESERVED)

760. SANITARY CONDITIONS.

All pens, alleys, troughs, restraint facilities, and runways shall be kept in a sanitary condition. Operators of public livestock markets shall clean and disinfect livestock market facilities, ~~under the supervision of a state or federal animal health official,~~ upon request by the Administrator. (3-15-22)()

761. -- 769. (RESERVED)

770. RECORDS.

Each public livestock market shall keep sufficient records of animals presented for sale to enable state or federal animal health officials to trace such animals satisfactorily to their herd of origin, and such records shall be maintained for a minimum of five (5) years. (3-15-22)

771. -- 999. (RESERVED)

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.01 – RULES GOVERNING THE PRODUCTION AND DISTRIBUTION OF SEED

DOCKET NO. 02-0601-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 22-108\(2\)](#), [22-418\(11\)](#), [22-2004](#), and [22-2006](#), 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 15, 2025.

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:

These rules are being presented for approval as part of the ISDA's plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor's [Zero-based Regulation Executive Order](#). Negotiated rulemaking meetings were held on June 17 and July 15 with broad stakeholder participation.

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

No changes were made to the fees in this chapter.

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

There is no fiscal impact due to the changes in this administrative rule.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, p 35-36](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The documents incorporated by reference are national or federal standards for seed health, sampling, analysis, testing, or export requirements. The documents include:

[Association of American Seed Control Officials \(AASCO\) Terms, Definitions, Model Bill and Regulations](#)
[Association of Official Seed Analysts \(AOSA\) Seed Testing Publications, Rules, and Handbooks](#)
[International Seed Testing Association \(ISTA\) Seed Testing Publications, Rules, and Handbooks \(for export only\)](#)
[National Seed Health System \(NSHS\) Practices, Approved Methods, and Criteria for seed health testing](#)
[USDA/APHIS Export Program Manual \(XPM\)](#)

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0601-2501
(ZBR Chapter Rewrite.)

02.06.01 – RULES GOVERNING THE PRODUCTION AND DISTRIBUTION OF SEED

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of Sections 22-108(2), 22-418(4), 22-418(11), 22-2004 and 22-2006, Idaho Code.~~ (3-15-22)()

001. ~~TITLE AND SCOPE.~~

01. ~~Title.~~ The title of this chapter is “Rules Governing the Production and Distribution of Seed.” (3-15-22)

02. ~~Scope.~~ These rules govern procedures for sale or distribution of seed in Idaho, including rapeseed and bluegrass. These rules will also establish seed service testing fees for purity, germination, tetrazolium and special tests. (3-15-22)()

002. -- 109. (RESERVED)

SUBCHAPTER A – PURE SEED

110. DEFINITIONS.

In addition to the definitions set forth in Section 22-414, Idaho Code, the definition in Section 110 apply to the interpretation and enforcement of Subchapter A only: (3-15-22)

01. Condition. “~~Condition~~” means d Drying, cleaning, scarifying and other operations that could change the purity or germination of the seed and require the seed lot to be retested to determine the label information. (3-15-22)()

111. (RESERVED)

112. ~~METHODS OF SAMPLING – GENERAL PROCEDURE~~ INCORPORATION BY REFERENCE.

01. ~~Sample.~~ ~~In order to secure a representative sample, equal portions are taken from evenly distributed parts of the quantity of seed or screenings to be sampled with access to all parts of that quantity. When more than one (1) trierful of seed is drawn from a bag, different paths will be followed. When more than one (1)~~

~~handful is taken from a bag, the handfuls will be taken from well-separated points. (3-15-22)~~

~~**02. Free-Flowing Seed.** For free-flowing seed in bags or bulk, a probe or trier is used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag is used. (3-15-22)~~

~~**03. Non-Free-Flowing Seed.** Non-free-flowing seed, such as certain grass seed, uncleaned seed or screenings difficult to sample with a probe or trier, is sampled by thrusting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn. (3-15-22)~~

~~**04. Composite Samples.** Composite samples will be obtained to determine the quality of a lot of seed (i.e., percentages of pure seed, other crop seed, weed seed, inert matter and germination). Individual bag samples may be obtained to determine if the lot of seed is uniform. (3-15-22)~~

~~**a.** To determine if there is an obvious lack of uniformity of seed from which a composite sample is being obtained, each portion will be examined and the portions then combined to form a composite sample or samples. (3-15-22)~~

~~**b.** If the lot is found not to be uniform when obtaining a composite sample to determine its quality then additional individual bag samples are taken for the purpose of testing for uniformity. (3-15-22)~~

~~**c.** Such individual bag samples may also be taken for the purpose of testing for uniformity even though a composite sample has not previously been obtained. The identity of each individual bag sample must be maintained. (3-15-22)~~

~~**05. Bulk.** Bulk seed or screenings are sampled by inserting a long probe or thrusting the hand into the bulk, as circumstances require, in at least seven (7) uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls are taken as the minimum that would be required for the same quantity of seed or screenings in bags of a size customarily used for such seed or screenings. (3-15-22)~~

~~**06. Bags.** (3-15-22)~~

~~**a.** For lots of six (6) bags or less, each bag will be sampled with a total of at least five (5) trierfuls taken. (3-15-22)~~

~~**b.** For lots of more than six (6) bags, five (5) bags plus at least ten percent (10%) of the number of bags in the lots will be sampled. (Round off numbers with decimals to the nearest whole number, raising five tenths (.5) to the next whole number.) Regardless of the lot size it is not necessary that more than thirty (30) bags be sampled. (3-15-22)~~

~~**c.** Samples are drawn from unopened bags except under circumstances where the identity of the seed has been preserved. (3-15-22)~~

~~**07. Packets.** In sampling seed in packets, entire unopened packets are taken. (3-15-22)~~

~~**08. Size of Sample.** (3-15-22)~~

~~**a.** For composite sample to test for quality, the following are minimum weights for samples of seed to be submitted for analysis, test or examination (3-15-22)~~

~~i. Two (2) ounces (approximately fifty five (55) grams) of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these. (3-15-22)~~

~~ii. Five (5) ounces (approximately one hundred fifty (150) grams) of red or crimson clover, alfalfa, lespedezas, ryegrasses, bromegrasses, millet, flax, rape, or seeds of similar size. (3-15-22)~~

~~iii. One (1) pound of Sudangrass, sorghum, proso, hemp seed, or seeds of similar size. (3-15-22)~~

iv. Two (2) pounds (approximately one thousand (1,000) grams) of cereals, vetches, or seeds of similar or larger size. (3-15-22)

b. For individual bag samples to test for uniformity. (3-15-22)

i. The size of any individual bag sample to determine uniformity in a lot of seed is not less than the quantities set out in the "Rules and Regulations, under the Federal Seed Act" (53 Statute 1275) (Subsection 201.46). (3-15-22)

ii. If the sample drawn is larger than desired, it is thoroughly mixed before it is divided to the desired size. (3-15-22)

~~09. Forwarding and Receipt of Official Samples. Before being forwarded for analysis test or examination, the containers of official samples shall be properly sealed and identified with the containers of official samples initialed and dated and the sample weighed by the person who breaks the seals. (3-15-22)~~

01. Association of American Seed Control Officials (AASCO). The Terms, Definitions, Model Bill and Regulations, and Policies as published by AASCO where those statements do not conflict with Title 22, Chapter 4, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online or available at no cost from the AASCO website at: <https://www.seedcontrol.org/>. ()

02. Association of Official Seed Analysts (AOSA). The seed testing Publications, Rules, and Handbooks as published by AOSA where those statements do not conflict with Title 22, Chapter 4, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online or available at no cost from the AOSA website at: <https://analyzeseeds.com/>. ()

03. International Seed Testing Association (ISTA). The seed testing Publications, Rules and Handbooks as published by ISTA are utilized for export purposes only. A copy may be purchased online or available at no cost from the ISTA website at: <https://www.seedtest.org/>. ()

04. National Seed Health System (NSHS). The Practices, Approved Methods, and Criteria for seed health testing as published by NSHS where those statements do not conflict with Title 22, Chapter 4, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online or available at no cost from the NSHS website at: <https://seedhealth.org/>. ()

05. USDA/APHIS Export Program Manual (XPM). The Terms, Policies, and Procedures for Official Samples, Inspection and Testing, General Procedures, and Special Procedures are utilized for export purposes only. A copy may be purchased online or available at no cost from the USDA website at: <https://www.aphis.usda.gov/sites/default/files/xpm.pdf>. ()

113. -- 119. (RESERVED)

120. GERMINATION STANDARDS FOR VEGETABLE SEEDS.

~~Includes hard seed~~Standard testing procedures for kinds of vegetable seeds have been prescribed by the AOSA or AASCO and that are required by the labeling provisions of Section 22-415, Idaho Code.

	Percent			Percent
Artichoke	60		Eggplant	60
Asparagus	70		Endive	70
Asparagusbean	75		Kale	75
Bean, garden	70		Kale, Chinese	75
Bean, lima	70		Kohlrabi	75

	Percent				Percent
Bean, runner	75			Leek	60
Beet	65			Lettuce	80
Broadbean	75			Muskmelon	75
Broccoli	75			Mustard, India	75
Brussels sprouts	70			Mustard, spinach	75
Burdock, great	60			Okra	50
Cabbage	75			Onion	70
Cabbage, trionchuda	75			Onion, Welsh	70
Cantaloupe (See muskmelon)				Pak-choi	75
Cardoon	60			Parsley	60
Garrot	55			Parsnip	60
Cauliflower	75			Pea	80
Celeriac	55			Pepper	55
Celery	55			Pumpkin	75
Chard, Swiss	65			Radish	75
Chicory	65			Rhubarb	60
Chinese Cabbage	75			Rutabaga	75
Chives	50			Salsify	75
Citron	65			Sorrel	65
Collards	80			Soybean	75
Corn, sweet	75			Spinach	60
Corn salad	70			Spinach, New Zealand	40
Cowpea	75			Squash	75
Cress, garden	75			Tomato	75
Cress, upland	60			Tomato, husk	50
Cress, water	40			Turnip	80
Cucumber	80			Watermelon	70
Dandelion	60				

(3-15-22)()

121. -- 129. (RESERVED)

130. GERMINATION STANDARDS FOR FLOWER SEEDS.

The kinds of flower seeds listed below are those for which ~~Standard~~ testing procedures for kinds of flower seeds have been prescribed by the ~~Association of Official Seed Analysts (AOSA)~~ or AASCO and that are required by the labeling provisions of Section 22-415, Idaho Code. ~~The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, the percentage is arrived at by totaling the percent~~

germination and percent hard seed.

(3-15-22)()

01. Table 1.

Kind	Percent
Achillea (The Pearl)— <i>Achillea ptarmica</i>	50
African Daisy— <i>Dimorphotheca aurantiaca</i>	55
African Violet— <i>Saintpaulia</i> spp.	30
Ageratum— <i>Ageratum mexicanum</i>	60
Agrostemma (rose champion)— <i>Agrostemma coronaria</i>	65
Alyssum— <i>Alyssum campactum</i> , <i>A. maritimum</i> , <i>A. procumbens</i> , <i>A. saxatile</i>	60
Amaranthus— <i>Amaranthus</i> spp.	65
Anagalis (pimpernel)— <i>Anagalis arvensis</i> , <i>Anagalis coerulea</i> , <i>Anagalis grandiflora</i>	60
Anemone— <i>Anemone coronaria</i> , <i>A. pulsatilla</i>	55
Angel's Trumpet— <i>Datura arborea</i>	60
Arabis— <i>Arabis alpina</i>	60
Aretotis (African lilac daisy)— <i>Aretotis grandis</i>	45
Armeria— <i>Armeria formosa</i>	55
Asparagus, fern— <i>Asparagus plumosus</i>	50
Asparagus, sprenger— <i>Asparagus sprengeri</i>	55
Aster, China— <i>Callistephus chinensis</i> ; except Pompon, Powderpuff, and Princess types	55
Aster, China— <i>Callistephus chinensis</i> ; Pompon, Powderpuff, and Princess types	50
Aubretia— <i>Aubretia deltoidea</i>	45
Baby Smilax— <i>Asparagus asparagoides</i>	25
Balsam— <i>Impatiens balsamina</i>	70
Begonia— <i>Begonia</i> fibrous-rooted	60
Begonia— <i>Begonia</i> tuberous-rooted	50
Bells of Ireland— <i>Molucella laevis</i>	60
Brachycome (swan river daisy)— <i>Brachycome iberidifolia</i>	60
Browallia— <i>Browallia elata</i> and <i>B. speciosa</i>	65
Buphthalmum (sunwheel)— <i>Buphthalmum salicifolium</i>	60
Calceolaria— <i>Calceolaria</i> spp.	60
Calendula— <i>Calendula officinalis</i>	65

Kind	Percent
California Poppy— <i>Eschscholtzia californica</i>	60
Calliopsis— <i>Coreopsis bicolor</i> , <i>C. drummondii</i> , <i>C. elegans</i>	65
Campanula:	
Canterbury Bells— <i>Campanula medium</i>	60
Cup and Saucer Bellflower— <i>Campanula medium calycanthema</i>	60
Carpathian Bellflower— <i>Campanula carpatica</i>	50
Peach Bellflower— <i>Campanula persicifolia</i>	50
Candytuft, Annual— <i>Iberis amara</i> , <i>I. umbellata</i>	65
Candytuft, Perennial— <i>Iberis gibraltarica</i> , <i>I. sempervirens</i>	55
² Caster Bean— <i>Ricinus communis</i>	60
Cathedral Bells— <i>Cobaea scandens</i>	65
Celosia— <i>Celosia argentea</i>	65
Centaurea:	
Basket Flower— <i>Centaurea americana</i> ;	60
Cornflower— <i>C. cyanus</i> ;	
Dusty Miller— <i>C. candidissima</i> ;	
Royal Centaurea— <i>C. imperialis</i> ;	
Sweet Sultan— <i>C. moschata</i> ;	
Velvet Centaurea— <i>C. gymnocarpa</i>	
Cerastium (snow-in-summit)— <i>Cerastium biebersteini</i> and <i>C. tomentosum</i>	65
Chinese Forget-me-not— <i>Cynoglossum amabile</i>	55
Chrysanthemum, Annual— <i>Chrysanthemum carinatum</i> , <i>C. coronarium</i> , <i>C. segetum</i>	40
Cineraria— <i>Senecio cruentus</i>	60
Clarkia— <i>Clarkia elegans</i>	65
Cleome— <i>Cleome gigantea</i>	65
Coleus— <i>Coleus blumei</i>	65
Columbine— <i>Aquilegia</i> spp.	50
Coral Bells— <i>Heuchera sanguinea</i>	55
Coreopsis, Perennial— <i>Coreopsis lanceolata</i>	40
Corn, ornamental— <i>Zea mays</i>	75
Cosmos:	
Sensation, Mammoth and Crested types— <i>Cosmos bipinnatus</i> ;	65
Klondyke type— <i>C. sulphureus</i>	
Crossandra—(<i>Crossandra infundibuliformis</i>)	50
Dahlia— <i>Dahlia</i> spp.	55
Daylily— <i>Hemerocallis</i> spp.	45

Kind	Percent
Delphinium, Perennial: Belladonna and Bellamosum types;- Cardinal Larkspur—Delphinium cardinale;- Chinensis types;- Pacific-Giant, Gold-Medal- and other hybrids of D. elatum	55
Dianthus:- Carnation—Dianthus caryophyllus China Pinks—Dianthus chinensis, heddewigi, heddensis Grass Pinks—Dianthus plumarius Maiden Pinks—Dianthus deltoides Sweet William—Dianthus barbatus Sweet Wivelsfield—Dianthus allwoodi	60 70 60 60 70 60
Didiscus—(blue lace flower)—Didiscus coerulea	65
Doronicum (leopard's bane)—Doronicum caucasicum	60
Dracaena—Dracaena indivisa	55
Dragon Tree—Dracaena draco	40
English Daisy—Bellis perennis	55
Flax— Golden flax (Linum flavum);- Flowering flax L. grandiflorum;- Perennial flax, L. perenne	60
Flowering Maple—Abutilon spp.	35
Foxglove—Digitalis spp.	60
Gaillardia, Annual— Gaillardia pulchella; G. picta;- Perennial—G. grandiflora	45
Gerbera (transvaal daisy)—Gerbera jamesoni	60
Geum—Geum spp.	55
Gilia—Gilia spp.	65
Gloriosa daisy (rudbeckia)—Echinacea purpurea and Rudbeckia hirta	60
Gloxinia—(Sinningia speciosa)	40
Godetia—Godetia amoena, G. grandiflora	65
Gourds:- Yellow-Flowered—Cucurbita pepo;- White-Flowered—Lagenaria siceraria;- Dishcloth—Luffa cylindrica	70
Gypsophila: Annual Baby's Breath—Gypsophila elegans;- Perennial Baby's Breath—G. paniculata, G. pacifica, G. repens	70
Helenium—Helenium autumnale	40
Helichrysum—Helichrysum monstrosum	60

Kind	Percent
Heliopsis—Heliopsis scabra	55
Heliotrope—Heliotropium spp.	35
Helipterum (Acroclinium)—Helipterum roseum	60
Hesperis (sweet rocket)—Hesperis matronalis	65
*Hollyhock—Althea rosea	65
Hunnemannia (Mexican tulip poppy)—Hunnemannia fumariaefolia	60
*Hyacinth bean—Dolichos lablab	70
Impatiens—Impatiens holstii, I. sultanii	55
*Ipomea—Cypress Vine—Ipomea quamoclit; Moonflower—I. noctiflora; Morning Glories, Cardinal Climber, Hearts- and Honey Vine—Ipomea spp.	75
Jerusalem cross (maltese cross)—Lychnis chalcedonica	70
Job's Tears—Coix lacrymajobi	70
Kochia—Kochia childsii	55
Larkspur, Annual—Delphinium ajacis	60
Lantana—Lantana camara, L. hybrida	35
Lilium (regal lily)—Lilium regale	50
Linaria—Linaria spp.	65
Lobelia, Annual—Lobelia erinus	65
Lunaria, Annual—Lunaria annua	65
*Lupine—Lupinus spp.	65
Marigold—Tagetes spp.	65
Marvel of Peru—Mirabilis jalapa	60
Matricaria (feverfew)—Matricaria spp.	60
Mignonette—Reseda odorata	55
Myosotis—Myosotis alpestris, M. oblongata, M. palustris	50
Nasturtium—Tropaeolum spp.	60
Nemesia—Nemesia spp.	65
Nemophila—Nemophila insignis	70
Nemophila, spotted—Nemophila maculata	60
Nicotiana—Nicotiana affinis, N. sanderae, N. sylvestris	65
Nierembergia—Nierembergia spp.	55
Nigella—Nigella damascena	55
Pansy—Viola tricolor	60

Kind	Percent
Penstemon—Penstemon barbatus, P. grandiflorus, P. laevigatus, P. pubescens	60
Petunia—Petunia spp.	45
Phacelia—Phacelia campanularia, P. minor, P. tanacetifolia	65
Phlox, Annual—Phlox drummondii all types and varieties	55
Physalis—Physalis spp.	60
Platycodon (balloon flower)—Platycodon grandiflorum	60
Plumbago, cape—Plumbago capensis	50
Ponytail—Beaucarnea recurvata	40
Poppy: Shirley Poppy—Papaver rhoeas; Iceland Poppy—P. nudicaule; Oriental Poppy—P. orientale; Tulip Poppy—P. glaucum	60
Portulaca—Portulaca grandiflora	55
Primula (Primrose)—Primula spp.	50
Pyrethrum (painted daisy)—Pyrethrum coccineum	60
Salpiglossis—Salpiglossis gloxinaeflora, S. sinuata	60
Salvia— Scarlet Sage—Salvia splendens; Mealycup Sage (blue bedder)—Salvia farinacea	50
Saponaria—Saponaria ocymoides, S. vaccaria	60
Scabiosa, Annual—Scabiosa atropurpurea	50
Scabiosa, Perennial—Scabiosa caucasica	40
Schizanthus—Schizanthus spp.	60
*Sensitive plant (mimosa)—Mimosa pudica	65
Shasta Daisy—Chrysanthemum maximum, C. leucanthemum	65
Silk Oak—Grevillea robusta	25
Snapdragon—Antirrhinum spp.	55
Solanum—Solanum spp.	60
Statice—Statice sinuata, S. suworonii (flower heads)	50
Stocks: Common—Mathiola incana; Evening Scented—Mathiola bicornis	65
Sunflower—Helianthus spp.	70
Sunrose—Helianthemum spp.	30

Kind	Percent
*Sweet Pea, Annual and Perennial other than dwarf bush— Lathyrus odoratus, L. latifolius	75
*Sweet Pea, dwarf bush—Lathyrus odoratus	65
Tahoka daisy—Machaeanthera tanacetifolia	60
Thunbergia—Thunbergia alata	60
Torch Flower—Tithonia speciosa	70
Torenia (wishbone flower)—Torenia fournieri	70
Tritoma Kniphofia spp.	65
Verbena, Annual—Verbena hybrida	35
Vinca—Vinca rosea	60
Viola—Viola cornuta	55
Virginian stocks—Malcolmia maritima	65
Wallflower—Cheiranthus allioni	65
Yucca (Adam's needle)—Yucca filamentosa	50
Zinnia (except Linearis and Creeping)— Zinnia angustifolia, Z. elegans, Z. grandiflora, Z. gracillima, Z. haegeana, Z. multiflora, Z. pumila	65
Zinnia, Linearis and Creeping—Zinnia linearis, Sanvitalia procumbens	50
All other kinds	50

(3-15-22)()

02. Below Standard. A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting twenty-five percent (25%) or more of the mixture by number is below standard for the kind or kinds involved. (3-15-22)

131. -- 139. (RESERVED)

140. GERMINATION STANDARDS FOR SEED IN HERMETICALLY SEALED CONTAINERS.

The period of validity of germination tests is extended to the following period for seed packaged in hermetically sealed containers under conditions and label requirements set forth in Subchapter A. (3-15-22)

01. Germination Tests. The germination test for agricultural and vegetable seed shall have been completed within the following period, exclusive of the calendar month in which the test was completed, immediately prior to shipment, delivery, transportation or sales: (3-15-22)

a. In the case of agricultural or vegetable seeds shipped, delivered, transported or sold to a dealer for resale, eighteen (18) months; (3-15-22)

b. In the case of agricultural or vegetable seeds for sale or sold at retail, thirty-six (36) months. (3-15-22)

02. Conditions of Packaging. ~~The following standards, requirements, conditions must be met before seed is considered to be hermetically sealed under the provisions of Subchapter A:~~ Standard testing procedures for Hermetically-sealed seed have been prescribed by the AOSA or AASCO and that are required by the labeling provisions of Section 22-415, Idaho Code. (3-15-22)()

~~a. The seed was packaged within nine months after harvest. (3-15-22)~~

~~b. The container used does not allow water vapor penetration through any wall, including the seals, greater than five hundredths (0.05) gram of water per twenty four (24) hours per one hundred (100) square inches of surface at one hundred degrees F. (100F) with a relative humidity on one side of ninety percent (90%) and on the other of zero percent (0%). Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as gm. H₂O/24 hr./100 sq. in./100 F/ 90% RHV. 0% RH. (3-15-22)~~

~~03. **Moisture.** The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below: (3-15-22)~~

~~a. Table 1.~~

Agricultural Seeds	Percent
Beet, field	7.5
Beet, sugar	7.5
Bluegrass, Kentucky	6.0
Clover, crimson	8.0
Fescue, red	8.0
Ryegrass, annual	8.0
Ryegrass, perennial	8.0
All other agricultural seeds	6.0
Mixtures of above	8.0

~~(3-15-22)~~

~~b. Table 2.~~

Vegetable Seeds	Percent
Bean, garden	7.0
Bean, lima	7.0
Beet	7.5
Broccoli	5.0
Brussels sprouts	5.0
Cabbage	5.0
Carrot	7.0
Cauliflower	5.0
Celeries	7.0
Celery	7.0
Chard, Swiss	7.5
Chinese cabbage	5.0

Vegetable Seeds	Percent
Chives	6-5
Cellards	5-0
Corn, sweet	8-0
Cucumber	6-0
Eggplant	6-0
Kale	5-0
Kohlrabi	5-0
Leek	6-5
Lettuce	5-5
Muskmelon	6-0
Mustard, India	5-0
Onion	6-5
Onion, Welsh	6-5
Parsley	6-5
Parsnip	6-0
Pea	7-0
Pepper	4-5
Pumpkin	6-0
Radish	5-0
Rutabaga	5-0
Spinach	8-0
Squash	6-0
Tomato	5-5
Turnip	5-0
Watermelon	6-5
All other vegetable seeds	6-0

(3-15-22)

~~04. Labeling.~~ The container is conspicuously labeled in not less than eight (8) point type to indicate that the container is hermetically sealed, that the seed has been preconditioned as to moisture content, and the calendar month and year in which the germination test was completed. (3-15-22)

~~05. Germination.~~ The percentage of germination of seed at the time of packaging was equal to or above the standards specified elsewhere in Subchapter A of these rules. (3-15-22)

141. -- 149. (RESERVED)

150. NOXIOUS WEEDS.

All States Noxious Weed Seed Testing includes noxious weeds listed in IDAPA 02.06.09. Species in the below tables

refer to additional prohibited and restricted weeds for seed commodities.

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01. Prohibited ~~Noxious~~ Weed Seeds -- ~~Table 1~~ Seed Commodities.

Common Name	Scientific Name
~~4.~~ Beancaper, Syrian	~~4.~~ <i>Zygophyllum fabago</i> L.
~~2.~~ Bindweed, Field	~~2.~~ <i>Convolvulus arvensis</i> L.
~~31.~~ Buffalobur	~~31.~~ <i>Solanum rostratum</i> Dun.
~~42.~~ Bursage, Skeleton leaf	~~42.~~ <i>Ambrosia tomentosa</i> Nutt.
~~53.~~ Camelthorn	~~53.~~ <i>Alhagi camelorum</i> Fisch.
~~64.~~ Carrot, Wild	~~64.~~ <i>Daucus carota</i> L.
~~7.~~ Cress, Hoary	~~7.~~ <i>Cardaria draba</i> (L.) Desv.
~~8.~~ Crupina, Common	~~8.~~ <i>Crupina vulgaris</i> Cass.
~~95.~~ Fieldcress, Austrian	~~95.~~ <i>Rorippa austriaca</i> (Crantz) Bess.
~~40.~~ ~~6.~~ Goatgrass	~~40.~~ ~~6.~~ <i>Aegilops cylindrica</i> Host
~~44.~~ ~~7.~~ Groundcherry, Smooth	~~44.~~ ~~7.~~ <i>Physalis subglabrata</i> Mackenz. & Bush
~~42.~~ Henbane, Black	~~42.~~ <i>Hyoscyamus niger</i> L.
~~43.~~ Johnsongrass	~~43.~~ <i>Sorghum halepense</i> L.
~~44.~~ Knapweed, Diffuse	~~44.~~ <i>Centaurea diffusa</i> Lam.
~~45.~~ Knapweed, Russian	~~45.~~ <i>Centaurea repens</i> L.
~~46.~~ Knapweed, Spotted	~~46.~~ <i>Centaurea maculosa</i> Lam.
~~47.~~ Lythrum, Purple	~~47.~~ <i>Lythrum salicaria</i> L.
~~48.~~ Nightshade, Silverleaf	~~48.~~ <i>Solanum elaeagnifolium</i> Cav.
~~49.~~ Pepperweed, Perennial	~~49.~~ <i>Lepidium latifolium</i> L.
~~20.~~ Poison Hemlock	~~20.~~ <i>Conium maculatum</i> L.
~~24.~~ Puncturevine	~~24.~~ <i>Tribulus terrestris</i> L.
~~22.~~ ~~9.~~ Quackgrass	~~22.~~ ~~9.~~ <i>Elytrigia repens</i> ; <i>Agropyron repens</i> (L.) Beauv.
~~23.~~ Ragwort, Tansy	~~23.~~ <i>Senecio jacobaea</i> L.
~~24.~~ Skeletonweed, Rush	~~24.~~ <i>Chondrilla juncea</i> L.
~~25.~~ Sowthistle, Perennial	~~25.~~ <i>Sonchus arvensis</i> L.
~~26.~~ Spurge, Leafy	~~26.~~ <i>Euphorbia esula</i> L.
~~27.~~ ~~10.~~ St. Johnswort, Common	~~27.~~ ~~10.~~ <i>Hypericum perforatum</i> L.
~~28.~~ Starthistle, Yellow	~~28.~~ <i>Centaurea solstitialis</i> L.

Common Name	Scientific Name
~~29~~ ~~11~~ . Swainsonpea	~~29~~ ~~11~~ . <i>Sphaerophys salsula</i> (Pall.) DC; <i>Swainsona salsula</i> (Pallas) Taubert
~~30~~ . Thistle, Canada	~~30~~ . <i>Cirsium arvense</i> (L.) Scop.
~~31~~ . Thistle, Musk	~~31~~ . <i>Carduus nutans</i> L.
~~32~~ . Thistle, Scotch	~~32~~ . <i>Onopordum acanthium</i> L.
~~33~~ . Toadflax, Dalmatian	~~33~~ . <i>Linaria genistifolia</i> spp. <i>dalmatica</i> (L.) <i>Maire & Petitmengin</i>
~~34~~ . Toadflax, Yellow	~~34~~ . <i>Linaria vulgaris</i> Mill.
~~35~~ . Woad, Dyers	~~35~~ . <i>Isatis tinctoria</i> L.

(3-15-22)()

02. Restricted ~~Noxious~~ Weed Seeds -- ~~Table 2~~. Seed Commodities

Common Name	Scientific Name
1. Dodder	1. <i>Cuscuta</i> spp.
2. Halogeton	2. <i>Halogeton glomeratus</i> (Stephen ex Bieb.) C.A. Mey
3. Lettuce, Blue	3. <i>Lactuca pulchella</i> (Pursch) DC.
4. Oats, Wild	4. <i>Avena fatua</i> L.
5. Plantain, Buckhorn	5. <i>Plantago lanceolata</i> L.
6. Ragweed, Western and Perennial	6. <i>Ambrosia psilostachya</i> DC., (T. & G.) Farw.
7. Rye, Medusahead	7. <i>Taeniatherum caput-medusae</i> (L.) Nevski; <i>Elymus caput-medusae</i> (L.)
8. Sumpweed, Poverty	8. <i>Iva axillaris</i> Pursh

(3-15-22)()

03. Restricted ~~Noxious~~ Weed Seeds Tolerances.

(3-15-22)()

- a. Seven (7) seeds in fifty (50) grams of Agrotis species, Poa species, Rhodes grass, Bermudagrass, timothy, celery, and other agricultural or vegetable seeds of similar size and weight, within this group. (3-15-22)
- b. Seven (7) seeds in each fifty (50) grams of Dallisgrass, ryegrass, fescue species, foxtail millets, alfalfa, red clover, sweetclover, lespedeza, brome grass, Brassica species, carrot, onion, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, or mixtures of this group with those in group A. (3-15-22)
- c. Seven (7) seeds in fifty (50) grams of alsike clover, white clover, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, with those in group A or group B. (3-15-22)
- d. Eight (8) seeds in one hundred fifty (150) grams of Proso millet, Sudangrass, and seeds of similar size and weight, or mixtures of seed within this group. (3-15-22)
- e. Forty-five (45) seeds in each pound for all wheatgrass species. (3-15-22)

f. Four (4) seeds in each five hundred (500) grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, field peas, and other seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. (3-15-22)

g. Containing more than one percent (1%) by weight of weed seeds including restricted noxious weed seeds referred to in Section 22-414(18)(b), Idaho Code, provided, that three percent (3%) of cheat, chess, or downy brome will be allowed in grass seed in which these weeds are found. (3-15-22)

151. -- 159. (RESERVED)

160. LABEL REQUIREMENTS OF SEEDS FOR SPROUTING.

The following information shall be indicated on all labels of seeds sold for sprouting in health food stores or other outlets: (3-15-22)

- 01. Name.** Commonly accepted name of kind. (3-15-22)
- 02. Lot.** Lot number. (3-15-22)
- 03. Percentage.** Percentage by weight of the pure seed, crop seeds, inert matter, and weed seeds if required. (3-15-22)
- 04. Germination Percentage.** Percentage of germination. (3-15-22)
- 05. Date.** The calendar month and year the test was completed to determine such percentage. (3-15-22)

161. -- 169. (RESERVED)

170. VIABILITY BY TZ%.

A TZ (tetrazolium) test may be used in lieu of germination for the following species with the label reading “viability by TZ%”: Bitterbrush; Saltbush; Sagebrush; Indian Ricegrass; and Winterfat. (3-15-22)

171. -- 179. (RESERVED)

180. METHODS OF TESTING.

All methods used in testing and analyzing seed subject to Subchapter A and the tolerances used in the enforcement of Subchapter A shall conform as nearly as practicable to the current “Rules for Testing Seed” adopted by the [Association of Official Seed Analysts](#) (~~(AOSA)~~ on file at the Idaho Department of Agriculture, State Seed Lab located at 2240 Kellogg Lane, Boise, Idaho 83712. ~~(3-15-22)~~ ())

181. -- 189. (RESERVED)

190. SERVICE TESTING FEES – PURITY, GERMINATION AND TETRAZOLIUM FEES.

Purity, Germination, and Tetrazolium Fees			
Kind of Seeds	Purity* \$/Unit	Germination \$/Unit	Tetrazolium** \$/Unit
AGRICULTURAL GRASS SEED			
Bluegrasses	\$68	\$38	\$60
Bromegrasses	\$57	\$36	\$60
Fescues	\$53	\$33	\$60
Orchardgrass	\$57	\$38	\$60

Purity, Germination, and Tetrazolium Fees			
Kind of Seeds	Purity* \$/Unit	Germination \$/Unit	Tetrazolium** \$/Unit
Ryegrasses	\$57	\$35***	\$60
Timothy	\$42	\$35	\$60
For all others the hourly rate will apply			
FIELD SEED			
Alfalfa, clovers and trefoils	\$30	\$26	\$60
Cereals (Barley, Oats, Rice, Rye, Triticale and Wheat	\$38	\$26	\$60
Beans	\$32	\$28	\$60
Corn (all types)	\$30	\$26	\$60
Peas, and Lentils	\$27	\$26	\$60
For all others the hourly rate will apply			
VEGETABLES, FLOWERS AND HERB SEED			
Brassica (Canola, Cauliflower, Broccoli, Radish, etc.)	\$60	\$26	\$76
Beets and Swiss chard	\$44	\$48	\$60
Carrots, celery, dill and parsley	\$41	\$30	\$60
Cucurbits (Squash, melons, etc.)	\$38	\$30	\$60
Flowers (Bachelors button, poppy, etc.)	\$60	\$38	\$76
Lettuce, tomato, and pepper	\$38	\$30	\$60
Onion and Chives	\$38	\$30	\$60
For all others the hourly rate will apply			
TREE AND SHRUB SEED			
Bitterbrush	\$60	\$45	\$76
Saltbush	\$91	\$45	\$76
Chokecherry and Woods' rose	\$38	\$91	\$91
Serviceberry, cliff-rose and mahogany	\$45	\$45	\$60
Trees (Firs, pines, spruces, etc.)	\$38	\$45	\$60
For all others the hourly rate will apply			
RANGE AND NATIVE SEED			
Bluestems and gramas	Hourly Rate	\$45	\$76

Purity, Germination, and Tetrazolium Fees			
Kind of Seeds	Purity* \$/Unit	Germination \$/Unit	Tetrazolium** \$/Unit
Globemallow and penstemons	\$60	\$45	\$76
Kochia and forage Kochia	\$45	\$45	\$60
Rushes and Sedges	Hourly Rate	\$45	\$76
Sagebrush and Rabbitbrush	Hourly Rate	\$45	\$60
Wheatgrasses, wildryes, and squirreltail	\$60	\$38	\$60
Winterfat	Hourly Rate	\$45	Hourly Rate
For all others the hourly rate will apply			

* Samples with high levels of impurities (i.e. other crops, weeds, multiple florets, inert materials) requiring more than one (1) hour analyst time for purity testing will be charged the standard hourly rate of forty dollars (\$40) for each additional hour.

** For all samples submitted for a TZ or Germination test requiring more than one (1) hour for cleaning and/or preparing will be charged at the standard hourly rate of forty dollars (\$40) for each additional hour.

*** With germination fluorescence testing thirty dollars (\$30).

(7-1-24)

191. SERVICE TESTING FEES -- SPECIAL TESTS.

Special Testing Fees	
Test Procedures:	Fees \$/Unit
All States Noxious	\$38
Canada: Purity Germination	\$20 - Added to purity fee \$4.00 - Added to germination fee
Certified Grains	\$13 - Added to purity fee
Cold Test	\$35
Crop & Weed Check	\$37
Dormancy Percentage	\$11 - Minimum or Dormant% found x germination fee
E.C. Norms	\$30
Noxious Weed Germination (Compost/Mulch, etc.)	\$27
Noxious Weed Purity (Hay, Straw, etc.)	\$Hourly Rate
Identification	\$8 - Minimum or hourly if necessary

Special Testing Fees	
Test Procedures:	Fees \$/Unit
Inventory Germinations (For Carryover Seed Only, when requested)	20% discount of listed germination fee; Available only for the months of March through July.
ISTA: Purity Germination	\$20 - Added to purity fee \$4 - Added to germination fee
Mixtures: Purity Germination Tetrazolium	\$19 - Added per kind exceeding 5% \$19 - Added per kind exceeding 5% \$27 - Added per kind exceeding 5%
Moisture Test	\$21
Round-Up-Ready Trait Test (Alfalfa, Canola, Corn)	\$60
Sand Germination	\$38
Seed Count	\$20
Soil Exam	\$20.00
Sod Quality: Bentgrass Bermudagrass Bluegrass	\$100 \$97 \$97
Soil Germination	\$35
Species Exam	\$37
Undesirable Grass Species	\$39

(7-1-24)

192. SERVICE TESTING FEES -- MISCELLANEOUS FEES.

Miscellaneous Fees	
Type of Service:	Fees \$/Unit
Administrative Charge per Test for Internet Access and Data Processing.	Not to exceed \$2 per test
Hourly Charge	\$60
Merge Records	\$4
Rush Service	\$75
Super Rush Service (priority processing over Rush)	\$150

(7-1-24)

193. (RESERVED)

194. SEED DEALER'S LICENSE FEES.

Seed dealers shall obtain a seed dealer's license for each location in Idaho before they can sell, offer for sale, expose for sale or deliver agricultural seeds in packages of eight (8) ounces or more or bulk under contract within the state of Idaho. Seed dealers pay only for the service or services they render according to the following fee schedule:

(3-15-22)

01. In-State Seed Dealer's License Fees:

(3-15-22)

a. License to condition or clean agricultural seeds in Idaho - one-hundred dollars (\$100). (3-15-22)

b. License to label container or bulk agricultural seeds for sale in Idaho - fifty dollars (\$50). (3-15-22)

c. License to sell, offer for sale, expose for sale, or deliver agricultural seeds in packages of eight (8) ounces or more or in bulk under a contract in Idaho: (3-15-22)

i. For annual gross sales of five hundred dollars (\$500) or more, but less than one thousand dollars (\$1,000) - fifty dollars (\$50). (3-15-22)

ii. For annual gross sales of one thousand dollars (\$1,000) or more - one hundred dollars (\$100). (3-15-22)

02. Out-of-State Seed Dealer's License Fee. Three hundred fifty dollars (\$350). (3-15-22)

03. Exemptions. (3-15-22)

a. Any person selling seed who has total annual gross seed sales not exceeding five hundred dollars (\$500) is exempt from Section 194. (3-15-22)

b. An in-state dealer or out-of-state dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than eight (8) ounces is exempt from Section 194. (3-15-22)

195. ~~209.~~ (RESERVED)

~~SUBCHAPTER B—RAPESEED~~

~~210. DEFINITIONS.~~

~~The definitions in Section 210 apply to the interpretation and enforcement of Subchapter B only.~~ (3-15-22)

~~01. Producer. Any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land.~~ (3-15-22)

~~02. Rapeseed. Those species of *Brassica napus*, *Brassica rapa* (formerly *Brassica campestris*), and *Brassica juncea*.~~ (3-15-22)

~~03. Types. Those species and varieties of rapeseed classified as follows:~~ (3-15-22)

~~a. Edible:~~ (3-15-22)

~~i. Low Erucic Acid Rapeseed—Low Glucosinolates (LEAR-LG), commonly called “canola,” is the seed of the species *Brassica napus*, *Brassica juncea*, or *Brassica rapa*, the oil components of which seed contain less than two percent (2.0%) erucic acid and the seed meal will contain less than thirty (30) micromoles of any one (1) or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy-3-butenyl glucosinolate, and 2-hydroxy-4-pentenyl glucosinolate per gram (µm/g) of air dry, oil free solid as determined by any approved method.~~ (3-15-22)

~~ii. Low Erucic Acid Rapeseed — High Glucosinolates (LEAR-HG) Rapeseed varieties shall contain less than two percent (2.0%) erucic acid in the oil of the rapeseed and more than thirty (30) micromoles per one (1) gram ($\mu\text{m/g}$) glucosinolates in the rapeseed meal. (3-15-22)~~

~~b. Industrial: (3-15-22)~~

~~i. High Erucic Acid Rapeseed — Low Glucosinolates (HEAR-LG) Rapeseed are rapeseed varieties used for production of industrial oil that shall contain erucic acid levels above forty percent (40%) in the oil of the rapeseed and less than thirty (30) micromoles per one (1) gram ($\mu\text{m/g}$) glucosinolates in the meal of the rapeseed. (3-15-22)~~

~~ii. High Erucic Acid Rapeseed — High Glucosinolates (HEAR-HG) Rapeseed are rapeseed varieties used for production of industrial oil that shall contain erucic acid levels above forty percent (40%) in the oil of the rapeseed and more than thirty (30) micromoles per one (1) gram ($\mu\text{m/g}$) glucosinolates in the meal of the rapeseed. (3-15-22)~~

~~04. Volunteer Rapeseed. A plant that arises from accidental or unintentional scattering of seed. (3-15-22)~~

~~05. Condiment Mustard. Varieties of *Brassica juncea* produced for seed to be used for spice or condiment. (3-15-22)~~

~~06. Green Manure Rapeseed. Varieties of rapeseed used as a cover crop to be plowed down prior to flowering and maturity. (3-15-22)~~

~~211. (RESERVED)~~

~~212. PRODUCTION DISTRICTS:~~

~~01. District I. All land in Idaho not listed under District II in Subsection 212.02 of Subchapter B. (3-15-22)~~

~~02. District II. All land within the boundaries of Ada, Canyon, Gem, Owyhee (north of Murphy) and Payette counties. (3-15-22)~~

~~213.—219. (RESERVED)~~

~~220. RESTRICTIONS:~~

~~01. District I. Except as otherwise provided in Subchapter B, industrial and edible types of rapeseed may be planted in District I. (3-15-22)~~

~~02. District II. Except as otherwise provided in Subchapter B, no rapeseed of either variety may be planted in District II. (3-15-22)~~

~~03. Restrictions: (3-15-22)~~

~~a. Industrial types of rapeseed planted in District I must adhere to the following conditions: (3-15-22)~~

~~i. It is the responsibility of the person planting industrial types of rapeseed in District I to consult with and obtain the written approval from all farmers bordering the fields to be planted with industrial types of rapeseed. (3-15-22)~~

~~ii. Industrial types of rapeseed planted in District I must be at least one (1) mile from a field planted to edible types of rapeseed. (3-15-22)~~

~~221.—229. (RESERVED)~~

~~230. REQUIREMENTS FOR ALL BRASSICA SEEDS TO BE PLANTED IN IDAHO.~~

~~01. Requirements. All Brassica seeds to be planted in Idaho shall meet the following requirements. (3-15-22)~~

~~a. Brassica seeds shall be treated with an EPA and State registered fungicide for the control of blackleg (*Leptosphaeria maculans*). (3-15-22)~~

~~b. Brassica seed lots produced outside Idaho shall be accompanied by a phytosanitary certificate stating that the seed is free (zero tolerance) from blackleg based on a laboratory test of a minimum of two point nine (2.9) grams or one thousand (1,000) seeds. (3-15-22)~~

~~02. Exemptions. The following are not subject to the provisions of Subsections 230.01.a. and 230.01.b. (3-15-22)~~

~~a. Brassica seeds sold in lots of two (2) pounds or less. (3-15-22)~~

~~b. Brassica seeds produced in Idaho. (3-15-22)~~

~~231.—239. (RESERVED)~~

~~240. RAPESEED GROWING OUTSIDE CULTIVATED FIELDS ENFORCEMENT AND PENALTIES.~~

~~Volunteer rapeseed plants within designated production districts shall be destroyed prior to flowering. The Director has the authority to require destruction of any rapeseed prior to flowering that has not met the provisions of Subchapter B. In the event that the person responsible for planting the rapeseed does not comply with the destruction order, the Director is authorized to have the rapeseed destroyed by a third party and the cost of destruction charged to the party responsible for planting the rapeseed. (3-15-22)~~

~~241.—249. (RESERVED)~~

~~250. TRANSPORTATION OF BRASSICA SEEDS INTO AND THROUGHOUT IDAHO.~~

~~Any transport of Brassica seeds shall be accomplished in suitably packaged, covered or sealed containers or vehicles in order to avoid the accidental spread of seed in non production and prohibited areas. (3-15-22)~~

~~251.—309. (RESERVED)~~

~~SUBCHAPTER C — BLUEGRASS~~

~~310. DEFINITIONS.~~

~~In addition to the definitions found in Section 22-2005, Idaho Code, the definitions found in Section 310 apply to the interpretation and enforcement of Subchapter C only. (3-15-22)~~

~~01. Annual Bluegrass. *Poa annua* and all related species off types or sub-species of *Poa annua*, hereinafter referred to as annual bluegrass. (3-15-22)~~

~~02. Annual Bluegrass Analysis Certificate. A test report from an official laboratory showing freedom from annual bluegrass. (3-15-22)~~

~~03. Grass Species. All bluegrass (*Poa*) species, fescue (*Festuca*) species, ryegrass (*Lolium*) species and all bentgrass (*Acrostic*) species. (3-15-22)~~

~~04. Official Seed Laboratory. A seed testing laboratory approved by the Director. (3-15-22)~~

~~05. Annual Bluegrass Quarantine Release Tag. A numbered tag printed and issued by the Idaho Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving~~

the following information: “This lot of seed was tested and found to be apparently free of annual bluegrass and is eligible for planting in Idaho.” (3-15-22)

06. Rough Bluegrass Quarantine Release Tag. A numbered tag printed and issued by the Idaho State Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: “This lot of seed was tested and found to be apparently free of rough bluegrass and is eligible for planting in Idaho.” (3-15-22)

07. Regulated Pest. The seeds of *Poa annua* (Annual bluegrass) and all related off-types or sub-species of *Poa annua* hereinafter referred to as Annual bluegrass that are objectionable in grass seed stock, are considered weeds for the purposes of this chapter. (3-15-22)

08. Representative Sample. A sample of seed drawn in accordance to Subchapter A of this rule. (3-15-22)

09. Rough Bluegrass. *Poa trivialis* and all related off-types or sub-species of *Poa trivialis*, hereinafter referred to as rough bluegrass. (3-15-22)

10. Rough Bluegrass Analysis Certificate. A test report from an official laboratory showing freedom from rough bluegrass. (3-15-22)

11. Seed Stock. Those seeds of grass species that are to be planted for seed increase or with intent of seed increase. (3-15-22)

311.—319. (RESERVED)

320. ANNUAL BLUEGRASS REGULATED AREA.
The regulated area is the entire state of Idaho. (3-15-22)

321. ROUGH BLUEGRASS REGULATED AREA.
The regulated areas are the Idaho counties of Benewah, Bingham, Blaine, Bonner, Camas, Clark, Clearwater, Elmore, Idaho, Jerome, Kootenai, Latah, Lewis, Madison, Nez Perce, Power, Shoshone and Twin Falls. (3-15-22)

322. ROUGH BLUEGRASS QUARANTINE RESTRICTIONS.
No rough bluegrass shall be planted for seed production in the regulated areas. (3-15-22)

323.—329. (RESERVED)

330. REGULATED ARTICLES.
Those articles that are regulated are seed stocks as defined in Subsection 310.11. (3-15-22)

331.—339. (RESERVED)

340. RULES GOVERNING PLANTING OF REGULATED ARTICLES (ANNUAL BLUEGRASS).

01. Requirements. Prior to any person planting any grass species seed stock in Idaho, that person shall comply with the following requirements: (3-15-22)

a. Submit for an official laboratory analysis a representative sample showing freedom from annual bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or (3-15-22)

b. Have a representative sample submitted for testing. (3-15-22)

02. Tags. Upon receipt by the Director of an official seed laboratory analysis showing freedom from annual bluegrass, sequentially numbered tags will be issued for each bag found free of annual bluegrass from those lots according to Subsection 310.06. (3-15-22)

~~03. Analysis Certificate.~~ In lieu of tags, a seed analysis certificate from an official seed laboratory showing each lot being planted to be free from annual bluegrass must be kept on file for a minimum of one (1) year after all of the inventory of that lot's harvested seed has been sold. (3-15-22)

~~341. QUALIFICATIONS OF REGULATED ARTICLES FOR QUARANTINE RELEASE (ROUGH BLUEGRASS).~~

~~01. Planting Seed Stock of Regulated Articles.~~ Any person planting seed stock of regulated articles shall comply with the following requirements: (3-15-22)

~~a. Submit to the Director an official laboratory analysis of a representative sample showing freedom from rough bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or~~ (3-15-22)

~~b. Submit to the Director a representative sample for laboratory analysis.~~ (3-15-22)

~~02. Quarantine Release Tag.~~ Upon receipt of an official seed laboratory analysis, the Director may upon request issue sequentially numbered tags for each bag of regulated article found free of rough bluegrass. (3-15-22)

~~03. Analysis Certificate.~~ In lieu of tags, a seed analysis certificate from an official seed laboratory showing each lot being planted to be free from rough bluegrass must be kept on file for a minimum of one (1) year after all of the inventory of that lots harvested seed has been sold. (3-15-22)

~~342.—349. (RESERVED)~~

~~350. INFESTED SEED STOCK (ANNUAL BLUEGRASS).~~

~~Each lot of seed found to contain annual bluegrass shall be placed under a "Hold Order" pursuant to Section 22-103(20), Idaho Code, to be released only for shipment out of Idaho or for planting in nurseries of two (2) acres or less under supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it is the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the annual bluegrass. Seed increases shall be inspected by the department or the Idaho Crop Improvement Association at least three (3) times during the seedling year. Any areas not passing inspection shall not be harvested but is destroyed upon the order of the Director at the owner's expense.~~ (3-15-22)

~~351. ROUGH BLUEGRASS QUARANTINE INSPECTIONS.~~

~~The Director will cause inspections to be made in accordance with the provisions of Section 22-2007, Idaho Code.~~ (3-15-22)

~~01. Infested Seed Stock.~~ Lots of turf seed stock contaminated with rough bluegrass seeds may be planted in an approved nursery of two (2) acres or less under the supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it is the duty of the person receiving such seed stock to rogue the planting or chemically treat to eradicate the rough bluegrass. The approved nursery will be inspected by the Department or the Idaho Crop Improvement Association at least three (3) times during the seedling year. Any approved nursery not passing inspection shall not be harvested but will be destroyed upon the order of the Director at the owner's expense. (3-15-22)

~~352.—359. (RESERVED)~~

~~360. APPLICATION FOR NURSERY INSPECTION.~~

~~A person shall make application for nursery inspection to the Idaho Department of Agriculture or the Idaho Crop Improvement Association at least fourteen (14) days prior to planting.~~ (3-15-22)

~~361.—369. (RESERVED)~~

~~370. EXEMPTIONS (ANNUAL BLUEGRASS).~~

- ~~01. Forage. These rules do not apply to seed sown for forage. (3-15-22)~~
- ~~02. Experiments. These rules do not apply to: (3-15-22)~~
- ~~a. Experiments or trial grounds of the United States Department of Agriculture; or (3-15-22)~~
- ~~b. Experiments or trial grounds of the Idaho State Experiment Station; or (3-15-22)~~
- ~~c. Trial grounds of any person, firm, or corporation provided said trial ground plantings are approved by the Director and under supervision of technically trained personnel familiar with annual bluegrass control. (3-15-22)~~

371. EXEMPTIONS (ROUGH BLUEGRASS).

- ~~01. Experiments or Trial Grounds. This quarantine shall not apply to: experiments or trial grounds of the United States Department of Agriculture, experiments or trial grounds of the University of Idaho Agriculture Experiment Station, or trial grounds of any person, provided said trial ground plantings are approved by the Director and under supervision of technically trained personnel familiar with rough bluegrass. (3-15-22)~~
- ~~02. Rough Bluegrass. Rough bluegrass may be planted in the regulated areas for turf but shall not be allowed to mature to the seed producing stage. (3-15-22)~~

~~372.—379. (RESERVED)~~

380. FEES AND CHARGES.

- ~~01. Sampling. Fees for official sampling drawn by the Director are twelve dollars (\$12) per sample. (3-15-22)~~
- ~~02. Seed Analysis. Fees for seed analysis are that fee provided in the fee schedule of the official Seed Testing Laboratory. (3-15-22)~~
- ~~03. Inspection. Inspection fees for nursery plantings are fifty dollars (\$50) per acre or portion thereof for each inspection. Any field of less than one acre is a minimum fee of fifty dollars (\$50). (3-15-22)~~
- ~~04. Quarantine Release Tags. Quarantine release tags will be twenty-five cents (\$0.25) per tag and charged to person(s) when issued. (3-15-22)~~

~~381.—999. (RESERVED)~~

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES

DOCKET NO. 02-0602-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 22-604](#), [22-2204](#), [22-2303 \(5\)](#), [22-2503](#), [22-2511](#), and [25-2710](#).

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 15, 2024.

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 is an annual Incorporated by Reference update. Each year, [The Association of American Feed Control Officials \(AAFCO\)](#) and [The Association of American Plant Food Control Officials \(AAPFCO\)](#) update their official publications that the Idaho State Department of Agriculture references in IDAPA 02.06.02. The two publications are incorporated into this rule as standardized regulations for three subchapters of this rule – Commercial Feed, Commercial Fertilizer, and Soil and Plant Amendments. The updates to these documents include refinements to definitions, technical terms, and other standards necessary for regulation that meets state statutes as well as the national cooperation in regulating these products.

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

There is no change in fee or charge.

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

There is no fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000).

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(2\)](#), Idaho Code, negotiated rulemaking was not conducted because these changes are to the publication dates of documents that were already incorporated into these rules.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

IDAPA 02.06.02 {...} 104. INCORPORATION BY REFERENCE:

01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions, Model Bill and Regulations, and Policies as published in the “2025 Official Publication” of AAFCO where those statements do not conflict with [Title 25, Chapter 27](#), Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAFCO website at: www.aafco.org.

02. The Merck Index. The “Merck Veterinary Manual,” 11th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The manual is publicly available online from Merck & Co., Inc at: <http://www.rsc.org/merckindex>.

IDAPA 02.06.02 {...} 404. INCORPORATION BY REFERENCE:

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Officially adopted Documents, Official Terms, and Policies, as published in the “2025 Official Publication” of AAPFCO where those statements do not conflict with [Title 22, Chapter 6](#), Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfco.org.

IDAPA 02.06.02 {...} 504. INCORPORATION BY REFERENCE:

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies as published in the “2025 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under [Title 22, Chapter 22](#), Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfco.org.

IDAPA 02.06.02 {...} 404 and 504. INCORPORATION BY REFERENCE:

02. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact [Lloyd Knight at lloyd.knight@isda.idaho.gov](mailto:Lloyd.Knight@isda.idaho.gov).

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 22, 2025.

DATED this 23rd day of August, 2025.

Lloyd Knight
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
Phone: (208) 332-8615
Email: lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0602-2501
(Only Those Sections With Amendments Are Shown.)

02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES

SUBCHAPTER A – COMMERCIAL FEED

104. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this Subchapter A: (3-23-23)

01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions, Model Bill and Regulations, and Policies as published in the “~~2025~~2026 Official Publication” of AAFCO where those statements do not conflict with Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAFCO website at: www.aafco.org.
(7-1-25)()

02. The Merck Index. The “Merck Veterinary Manual,” 11th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The manual is publicly available online from Merck & Co., Inc at: <https://www.rsc.org/merckindex>. (3-23-23)

(BREAK IN CONTINUITY OF SECTIONS)

115. REGISTRATION AND FEES.

01. Product Registration Fee. Whenever a commercial feed is registered for distribution in the state of Idaho, a fee of forty dollars (\$40) per product will be collected. (3-23-23)

02. Product Registration Fee Exemption. Sellers who are not regularly engaged in the business of manufacturing or selling commercial feed and whose total amount of gross annual sales does not exceed five hundred dollars (\$500) are exempt from payment of the registration fee. This registration fee exemption does not exempt anyone from other sections of Subchapter A ~~and~~ or the Idaho Commercial Feed Law. (3-23-23)()

SUBCHAPTER C – FERTILIZER

404. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter C: (3-23-23)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Officially adopted Documents, Official Terms, and Policies, as published in the “~~2025~~2026 Official Publication” of AAPFCO where those statements do not conflict with Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aafco.org. (7-1-25)()

02. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International. (3-23-23)

(BREAK IN CONTINUITY OF SECTIONS)

SUBCHAPTER D – SOIL AND PLANT AMENDMENTS

504. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into Subchapter D: (3-23-23)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “~~2025~~2026 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: www.aapfco.org. (7-1-25)()

02. The Association of Official Agricultural Chemists (AOAC) International. The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: www.EOMA.AOAC.org. A copy may be purchased online from AOAC International. (3-23-23)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.06 – RULES GOVERNING THE PLANTING OF BEANS
DOCKET NO. 02-0606-2501
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 22-108\(2\)](#), [22-418\(11\)](#), [22-2004](#), and [22-2006](#), 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 15, 2025.

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:

These rules are being presented for approval with amendments that were identified as necessary to address concerns brought to the agency by industry stakeholders regarding clarification needed around the seed imported to Idaho to be planted to produce edible beans. The amended language has been recommended and supported by industry. Negotiated rulemaking meetings were held on July 21 and July 28 with broad stakeholder participation.

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

No changes were made to the fees in this chapter.

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

There is no fiscal impact due to the changes in this administrative rule.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in July 2, 2025 Idaho Administrative Bulletin, [Volume 25-7, p 38-39](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

There are no documents incorporated by reference in this rule chapter.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0606-2501
(Only Those Sections With Amendments Are Shown.)

02.06.06 – RULES GOVERNING THE PLANTING OF BEANS

051. EDIBLE HARVEST EXEMPTION.

Seeds planted for edible harvest must bear an approved ~~tag as defined in Subsection 200.09 of this rule~~ Green, ICIA, or ODA tag. Yellow tags are not eligible for planting under the edible harvest exemption. Seeds planted for edible harvest are not required to undergo inspection requirements defined in Section 150, and are not covered by the irrigation restrictions defined in Section 200.10. ~~(3-15-22)~~ ()

(BREAK IN CONTINUITY OF SECTIONS)

350. DETECTION, IDENTIFICATION, AND REPORTING OF REGULATED PESTS.

01. Reporting. Any person will report to the Department the detection of any of the regulated pests. (3-15-22)

02. Observation. Detection of regulated pests will be based on the observance of symptoms in the field. (3-15-22)

03. Detection of a Regulated Pest. Upon confirmation of a regulated pest, all bean fields adjacent to the infested field, fields where equipment was shared, and fields planted with the same parent seed will be inspected by ISDA or ICIA. (3-15-22)

04. Disagreement. In case of disagreement concerning the identity of the regulated pest or the virulence of the pathogen to Phaseolus or non-Phaseolus, the Department will submit cultures of the suspected pathogen to a plant pathologist appointed by the Dean of the College of Agriculture and Life Sciences, University of Idaho. The results and findings obtained by the approved pathologist are final. (3-15-22)

05. Release of Information. When the presence of a regulated pest is confirmed, information regarding the location and acres involved will be released upon ~~request~~ confirmation. ~~(3-15-22)~~ ()

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS
DOCKET NO. 02-0609-2501

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 29, 2025.

AUTHORITY: In compliance with Section [67-5226](#), Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections [22-1904](#), [22-1907](#), and [22-1909](#), Idaho Code.

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

Invasive quagga mussels have been found in the Snake River. Left unchecked, quagga mussels pose a significant threat to the health and safety of Idaho's environment and water use for irrigation, recreation, hydropower generation, and municipal uses. Accordingly, the Director has exercised the authority granted under Idaho law to quarantine certain areas of the Snake River to facilitate chemical treatment for the purposes of eradication. This new temporary rule updates IDAPA 02.06.09.135 to close the river to use by watercraft and other conveyances not otherwise directed or authorized by the Director for the purposes of treatment.

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 protection of the public health, safe, or welfare.

The closure will ensure the safety of the public, department personnel, and contractors during the treatment application period.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There is no fee being charged by this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight, Deputy Director, at (208)332-8615.

DATED this September 29, 2025.

Lloyd B. Knight, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208) 332-8615
Email: lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2501
(Only Those Sections With Amendments Are Shown.)

135. SNAKE RIVER QUARANTINE.

ISDA has issued a quarantine of the Snake River from Hansen Bridge to the partial bridge structure at the bottom of Yingst Grade (known as “the Broken Bridge”, “Yingst Grade Bridge”, the “Old Interstate Bridge”), which is approximately one-half (1/2) mile upstream of Auger Falls to contain and treat quagga mussels. Launch of watercraft or other conveyances in this section is restricted to the hours when the watercraft inspection station at Centennial Waterfront Park is open, or other such stations that may be posted at other locations in the quarantine area. All watercraft and conveyances must be inspected and decontaminated by agency personnel or an assigned entity prior to launch and prior to exit from the water. This requirement applies to all motorized and non-motorized watercraft or other conveyances of any size, including paddle boards, kayaks, and water-exposed recreational gear. Effective September 29, 2025, access to the river by watercraft or other conveyances of any size, including paddle boards, kayaks, and water-exposed recreation gear is prohibited between Hansen Bridge and Pillar Falls. The prohibition will remain in effect unless amended by the Director at the conclusion of the active treatment and dissipation period. ~~(H-9-24)T~~ (9-29-25)T

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.33 – ORGANIC FOOD PRODUCTS RULES

DOCKET NO. 02-0633-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 22-1103](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

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 agency has opened this chapter for rulemaking for the purposes of possible amendments related to an update to the publication date for the National Organic Program Regulations that are Incorporated by Reference, and to amend the application period for organic certification to more align with crop production years. That amendment will assist the agency in better managing certification workload for customers.

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

There were no changes to fees already included in the rule.

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

There is no fiscal impact due to the amendments to this rule.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2025 Idaho Administrative Bulletin, [Volume 25-7, p 40-41](#). The rulemaking meetings were held on July 21.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Code of [Federal Regulations, Title 7, Part 205](#), National Organic Program Regulations is incorporated by reference to allow the ISDA to implement the organic certification program specifically according to the National Organic Program Regulations. Incorporating these national regulations ensures that the state program is in compliance with the federal program.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, (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 22, 2025.

DATED this 1st day of October, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0633-2501
(Only Those Sections With Amendments Are Shown.)

02.06.33 – ORGANIC FOOD PRODUCTS RULES

004. INCORPORATION BY REFERENCE.

The Code of Federal Regulations, Title 7, Part 205, National Organic Program Regulations (~~January 2, 2024~~February 21, 2025), except sections 205.620 through 205.622, is incorporated by reference and can be viewed online at ~~<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-G/subject-group-ECFR370552c56dd7aef>~~ <https://www.ecfr.gov/current/title-7/subtitle-B/chapter-I/subchapter-M/part-205/subpart-G/subject-group-ECFR370552c56dd7aef>. Copies of this document may be obtained from the Idaho State Department of Agriculture (ISDA), 2270 Old Penitentiary Road, Boise, Idaho 83712. ~~(7-1-25)~~()

(BREAK IN CONTINUITY OF SECTIONS)

300. CERTIFICATION REQUIREMENTS AND FEES.

01. Certification Requirements. All applicants applying for certification with the Department, must submit the application to the Department on forms prescribed or approved by the Department. (3-15-22)

~~**a.** The application period is November 1 through February 28 of each year for the next calendar year. Applications submitted between March 1 through May 31 will incur an additional late fee of two hundred fifty dollars (\$250) applied to each late application. Applications must be complete and include a nonrefundable application fee according to Subsection 300.02 of this rule. Applications submitted after May 31 will not be accepted for the current calendar year.~~ ()

~~**b.**~~ **b.** All organic food producers/handlers in Idaho with annual gross organic sales of more than five thousand dollars (\$5,000) must be certified with the Department, unless certified by agents other than the Department accredited under the National Organic Program. (3-15-22)

~~**b.c.**~~ **b.c.** Producers/handlers with annual gross organic sales of five thousand dollars (\$5,000) or less may select certification. (3-15-22)

~~**d.**~~ **d.** All organic food producers and organic handlers certifying with the Department are subject to an annual on-site inspection. (3-15-22)

02. Certification Fees. (3-15-22)

a. Organic producers/handlers requesting certification – Certification Application Fee of two hundred

dollars (\$200) that is non-refundable. (3-23-23)

b. A person who produces and handles their own organic food products pays only one (1) annual certification fee based on gross annual organic sales. (3-15-22)

03. Certification Inspection Fees. (3-15-22)

a. The hourly rate is fifty dollars (\$50) including travel time. (3-23-23)

b. Travel time from an inspector's normal duty station to the inspection site and return to normal duty station will be compensable time charged to the applicant. (3-15-22)

c. There will be a minimum charge of fifty dollars (\$50) plus mileage as approved by the Board of Examiners for any inspection. (3-23-23)

d. Inspections conducted on weekends, holidays, or after normal office hours will be charged at an hourly rate of sixty-five dollars (\$65) including travel time with a minimum charge of one (1) hour plus mileage. (3-23-23)

e. Upon approval by the Department, private inspectors may be utilized. The applicant bears the total cost of the private inspection. (3-15-22)

04. Additional Services/Charges. (3-23-23)

a. Private Label Arrangement – Annual fee of two hundred dollars (\$200) per arrangement assessed to ISDA certified co-packer or handler packaging and/or affixing a private label for a non-ISDA certified entity. (3-23-23)

b. Export and Transaction Certifications – Twenty-five dollars (\$25) will be assessed for each international export and transaction certificate requested. (3-23-23)

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.07.01 – RULES OF THE IDAHO HOP GROWERS' COMMISSION
DOCKET NO. 02-0701-2501 (ZBR CHAPTER REPEAL)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 22-3104](#), 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 15, 2025.

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:

Two negotiated rulemaking meetings were held on June 18 and July 16 as part of the Zero-Based Rulemaking review. During that review the agency and the Hops Commission concluded that the administrative rule is unnecessary due to the prescriptive nature of the authorizing statute. Therefore, repeal of this rule chapter is recommended.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Repeal of the rule in deference to the authorizing statute does not have an impact on the assessment authorized in the statute.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There is no change in the fiscal impact related to the repeal of this rule chapter.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Vol. 25-5, Page 37-38](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: No materials are Incorporated by Reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight at (208)332-8315.

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 22, 2025.

DATED this 1st of October, 2025.

Lloyd B. Knight
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208)332-8615
Email: Lloyd.knight@isda.idaho.gov

IDAPA 02.07.01 IS PROPOSED TO BE REPEALED IN ITS ENTIRETY

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Article IX, Section 2, Idaho Constitution](#) and under [Section 33-105, 33-107, 33-116, and 33-1612](#), 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 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than one (1) day 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 changes to subsection 08.02.02.076, Code of Ethics for Idaho Professional Educators aim to reduce unethical interactions between educators and students by limiting educator/student communications to district approved devices and platforms that can be viewed and monitored by district staff. Communication tends to be more professional when personal accounts are not used, and educators are aware that communication with students is not private. Additionally, changes clarify that it is unethical to use a district device or network to engage in any sexually explicit activity, not just accessing pornography. Finally, proposed language provides that co-mingling public funds with any person account is unethical, not just personal bank accounts. The final change regarding the code of ethics section is to clarify that professionalism is not limited to conduct with colleagues but encompasses all professional conduct.

Additional amendments, add the word “standard” prior to the CTE Administrator certificate, indicating it is in the same classification as other standard certificates and eligible for reinstatement as well as other general clarification around current requirements for using alternative routes to add endorsement for current certificate holders, eliminating duplicative language regarding minimum required coursework for all CTE instructional staff, and adds a reference to the new lifetime certificate.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2025 Idaho Administrative Bulletin, [Volume 25-6, p 14-15](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586.

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 22, 2025.

DATED this 21st day of August, 2025.

Nicholas Wagner, Agency Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
Phone: (208)488-7586
Fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0202-2501
(Only Those Sections With Amendments Are Shown.)

08.02.02 – RULES GOVERNING UNIFORMITY

000. LEGAL AUTHORITY.

~~All rules in IDAPA 08.02.02, “Rules Governing Uniformity,” are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate.~~ (3-15-22)()

(BREAK IN CONTINUITY OF SECTIONS)

015. IDAHO EDUCATOR CREDENTIAL.

All standard educator certificates are valid for five (5) years and are renewable, subject to the applicable renewal requirements set by the state board of education and any applicable conditions applied to an individual’s certificate by the professional standards commission. (3-15-22)

01. Standard Instructional Certificate. A Standard Instructional Certificate makes an individual eligible to teach all grades, subject to the grade ranges and subject areas of the valid endorsement(s) attached to the certificate. A standard instructional certificate may be issued to any person who has a baccalaureate degree or higher from an accredited college or university and who meets the following requirements or successfully completes an interim certificate requirements: (4-6-23)

a. Minimum Credit Hours. Earned a minimum of twenty (20) semester credit hours in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter of education, which shall include demonstration of competencies as specified in the Idaho comprehensive literacy plan; and (3-15-22)

b. Student Teaching. Complete a minimum of ten (10) undergraduate or six (6) graduate semester credit hours, of student teaching; and (3-15-22)

c. Complete a state board approved educator preparation program and receive an institutional recommendation from the program specifying the grade ranges and subjects for which the applicant is eligible to receive an endorsement; (4-6-23)

i. To receive endorsement in two (2) fields of teaching, preparation must consist of completion of at least thirty (30) semester credit hours in one (1) field of teaching, and completion of at least twenty (20) semester credit hours in a second field of teaching. (3-15-22)

ii. To receive endorsement in (1) field of teaching, preparation must consist of completion of at least forty-five (45) semester credit hours in a single subject area; (3-15-22)

d. Meet or exceed the state qualifying score on the state board approved content area and pedagogy assessments. (4-6-23)

02. Standard Pupil Service Staff Certificate. Persons who serve as school counselors, school psychologists, school social workers, and school nurses are required to hold the Standard Pupil Service Staff Certificate, with the respective endorsement(s) for which they qualify. Persons who serve as a speech-language pathologist, school audiologist, occupational therapist, or physical therapist may be required, as determined by the local educational agency, to hold a Standard Pupil Service Staff Certificate with respective endorsements for which they qualify. (4-6-23)

a. School Counselor Endorsement. To be eligible for a School Counselor endorsement, a candidate must have satisfied the following requirements. (3-15-22)

i. Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling, including sixty (60) semester credits, from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and (3-15-22)

ii. An institutional recommendation is required for a School Counselor endorsement. (3-15-22)

b. School Counselor – Basic Endorsement. (3-15-22)

i. Individuals serving as a school counselor pursuant to [Section 33-1212, Idaho Code](#), shall be granted a School Counselor – Basic endorsement. The endorsement is valid for five (5) years or until such time as the holder no longer meets the eligibility requirements pursuant to [Section 33-1212, Idaho Code](#). (3-15-22)

ii. Individuals who received their endorsement pursuant to [Section 33-1212, Idaho Code](#), prior to July 1, 2018, will be transitioned into the School Counselor – Basic endorsement. Renewal date will remain the same as the initial credential. (3-15-22)

c. School Psychologist Endorsement. The renewal credit requirement may be waived if the applicant holds a current and valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for a school psychologist endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: (3-15-22)

i. Completion of an approved thirty (30) semester credit hour master's degree in education or psychology and completion of an approved thirty (30) semester credit hour School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a local education agency under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-15-22)

ii. Completion of an approved sixty (60) semester credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a local education agency under the supervision of the training institution and direct supervision of a certificated school psychologist; (3-15-22)

iii. Completion of an approved sixty (60) semester credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a local education agency under the supervision of the

training institution and direct supervision of a certificated school psychologist; and (3-15-22)

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). (3-15-22)

d. Interim Certificate – School Psychologist Endorsement. This certificate will be issued to those who do not meet the educational requirements but hold a master’s degree or higher in psychology and are working toward a standard pupil service staff certificate with school psychologist endorsement. This certificate will be issued for three (3) years while the applicant is meeting the educational requirements or obtaining the applicable experience leading to certification. If the educational requirements cannot be met within the three (3)-year time frame of the certificate, the employing LEA may request one (1)-time renewal of this interim certificate for the applicant. (3-15-22)

e. School Nurse Endorsement. To be eligible for a school nurse endorsement, a candidate must complete one (1) of the following options: (3-15-22)

i. Possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing, and a baccalaureate degree in nursing, education, or a health-related field from an accredited institution. (3-15-22)

ii. Possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing; have two (2) years of full-time (or part-time equivalent) school nursing, community health nursing, or any other area of pediatric, adolescent, or family nursing experience. (3-15-22)

f. Interim Certificate - School Nurse Endorsement. This certificate will be issued to those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. This non-renewable certificate will be issued for three (3) years while the applicant is meeting the educational or experience requirements. (3-15-22)

g. Speech-Language Pathologist Endorsement. To be eligible for a speech-language pathologist endorsement, a candidate must possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education. The renewal credit requirement may be waived if the applicant holds a current and valid Certificate of Clinical Competence in Speech-Language Pathology offered through the American Speech-Language-Hearing Association and/or a current and valid speech-language pathologist license issued by the appropriate Idaho state licensing board. (3-15-22)

h. Interim Certificate - Speech-Language Pathologist Endorsement. This certificate will be issued to those who do not meet the educational requirements but hold a baccalaureate degree in speech-language pathology and are pursuing a master’s degree. This certificate will be issued for three (3) years while the applicant is meeting the educational requirements. If the educational requirements cannot be met within the three (3)-year timeframe of the certificate, the employing LEA may request one (1)-time renewal of this interim certificate for the applicant if the applicant holds a valid occupational license or is supervised by a speech-language pathologist with a standard pupil service certificate. (3-15-22)

i. Audiology Endorsement. To be eligible for an audiology endorsement, a candidate must possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education. The renewal credit requirement may be waived if the applicant holds a current and valid Certificate of Clinical Competence in Audiology offered through the American Speech-Language-Hearing Association and/or a current and valid audiologist license issued by the appropriate Idaho state licensing board. (3-15-22)

j. School Social Worker Endorsement. To be eligible for a school social worker endorsement, a candidate must meet the following requirements: (3-15-22)

i. A master's degree in social work (MSW) from a postsecondary institution accredited by an organization recognized by the State Board of Education. The program must be currently approved by the state educational agency of the state in which the program was completed; and (3-15-22)

ii. An institutional recommendation from a state board approved program; and (3-15-22)

iii. The successful completion of a school social work practicum in a preschool through grade twelve 12 (Pre-K-12) setting. Post-LMSW extensive experience working with children and families may be substituted for the completion of a school social work practicum in a Pre-K-12 setting; and (3-15-22)

iv. A current and valid social work license pursuant to [chapter 32, title 54, Idaho Code](#), and the rules of the State Board of Social Work Examiners. (3-15-22)

k. Occupational Therapist Endorsement. To be eligible for an occupational therapist endorsement, a candidate must have a current and valid occupational therapy license issued by the Occupational Therapy Licensure Board of Idaho. The candidate must maintain current and valid occupational therapy licensure for the endorsement to remain valid. (3-15-22)

l. Physical Therapist Endorsement. to be eligible for a physical therapist endorsement a candidate must have a current and valid physical therapy license issued by the Idaho Physical Therapy Licensure Board. The candidate must maintain current and valid physical therapy licensure for the endorsement to remain valid. (3-15-22)

03. Standard Administrator Certificate. Persons who serve as superintendent, director of special education, secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or are assigned to conduct the summative evaluation of certified staff are required to hold an Administrator Certificate. The certificate may be endorsed for service as school principal, superintendent, or director of special education. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the School Principal endorsement. Directors of special education are required to hold the Director of Special Education endorsement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. (3-15-22)

a. School Principal Endorsement. To be eligible for the School Principal endorsement, a candidate must meet the following requirements: (3-15-22)

i. Hold a master's degree from an accredited college or university. (3-15-22)

ii. Have four (4) years of full-time certificated experience working with students, while under contract in an accredited school setting. (3-15-22)

iii. Complete an administrative internship in a state-approved program, or have one (1) year of experience as an administrator. (3-15-22)

iv. Provide verification of completion of a state-approved program of at least thirty (30) semester credit hours of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and competencies in the Idaho Standards for School Principals. (3-15-22)

v. Receive an institutional recommendation for a School Principal endorsement. (3-15-22)

b. Superintendent Endorsement. To be eligible for the Superintendent endorsement, a candidate must meet the following requirements: (3-15-22)

i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-15-22)

ii. Have four (4) years of full-time certificated/licensed experience working with students while under contract in an accredited school setting. (3-15-22)

iii. Complete an administrative internship in a state board approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent. (3-15-22)

iv. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration must include demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and demonstration of competencies in the Idaho standards for superintendents and the Idaho Standards for School Principals. (3-15-22)

v. Receive an institutional recommendation for a Superintendent endorsement. (3-15-22)

c. Director of Special Education Endorsement. To be eligible for the Director of Special Education endorsement, a candidate must meet the following requirements: (3-15-22)

i. Hold a master's degree from an accredited college or university; (3-15-22)

ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-15-22)

iii. Provide verification of a state board approved program of graduate study of school administration for the preparation of directors of special education at an accredited college or university. This program shall include demonstration of proficiency in conducting instructional and pupil service staff evaluations based on the statewide framework for evaluation, and demonstration of competencies in the Idaho Standards for Directors of Special Education and the Idaho Standards for School Principals. Coursework shall include knowledge and competence in understanding the Individuals with Disabilities Education Act, utilizing the Idaho Special Education Manual, special education funding and fiscal accountability, results-driven leadership and accountability in special education, and instructional, behavioral, and management strategies for supporting students in the least restrictive environment. (3-15-22)

iv. Have completed an administrative internship in the area of administration of special education; and (3-15-22)

v. An institutional recommendation is required for Director of Special Education endorsement. (3-15-22)

04. Career Technical Certification Requirements. Teachers of career technical courses or programs in secondary schools must hold an occupational specialist certificate and an endorsement in an appropriate occupational discipline. All occupational certificates must be approved by the Division of Career Technical Education regardless of the route an individual is pursuing to receive the certificate. (3-15-22)

a. Standard Degree Based Career Technical Certificate. Persons who hold a degree based career technical certificate are eligible to teach in a career technical area, subject to the grade range(s) and subject area(s) of the valid endorsement(s) attached to the certificate. All degree based career technical certificates require candidates to meet the Idaho Core Teaching Standards. The degree based career technical certificate is valid for five years. A degree based career technical certificate may be issued to any person who has a baccalaureate degree from an accredited college or university and meets the following requirements: (3-15-22)

i. Earned a minimum of twenty (20) semester credit hours in the philosophical, psychological, methodological foundations, instructional technology, and in the professional subject matter of education, which shall include demonstration of competencies as specified in the Idaho Comprehensive Literacy Plan; (3-15-22)

ii. Earned a minimum of twelve (12) semester credit hours in career technical education foundation coursework to include principles and philosophies of career technical education, evaluation and assessment in career technical education, leadership and career technical student organization leadership, career guidance and transition, occupational analysis and curriculum development, and lab safety; (3-15-22)

iii. Accumulated one thousand (1,000) clock hours of related industry experience, or practicum as approved by the higher education institution, in the respective field of specialization; (3-15-22)

iv. Completed a total of at least ten (10) undergraduate semester credit hours or six (6) graduate semester credit hours of student teaching: (3-15-22)

v. Completed a state board approved educator preparation program and received an institutional recommendation specifying the grade ranges and subjects for which the person is eligible to receive an endorsement; (3-15-22)

(1) To receive endorsement in two (2) fields of teaching, preparation must consist of at least thirty (30) semester credit hours in one (1) field of teaching and completion of at least twenty (20) semester credit hours in a second field of teaching. (3-15-22)

(2) To receive endorsement in one (1) field of teaching, preparation must consist of completion of at least forty-five (45) semester credit hours in a single subject area. (3-15-22)

vi. Met or exceeded the state qualifying score on the state board-approved content area and pedagogy assessments. (3-15-22)

vii. The renewal credits required in Section 060 may be waived if the applicant holds a current, valid certificate from the National Board for Professional Teaching Standards at the time of renewal. Credits must be earned during the validity period of the certificate. (4-6-23)

b. Career Technical Education Program Standard Administrator Certificate. The career technical education program administrator certificate is required for an individual serving as an administrator, director, or manager of career technical education programs in Idaho public schools. Individuals must meet one (1) of the two (2) following prerequisites to qualify for the career technical education program administrator certificate. The certificate is valid for five (5) years and must meet the renewal requirements pursuant to Section 060 of these rules to renew. (4-6-23)()

i. Qualify for or hold an advanced occupational specialist certificate or hold an occupational endorsement on a degree based career technical certificate; provide evidence of a minimum of four (4) years teaching, three (3) of which must be in a career technical education discipline; hold a master's degree; and complete at least fifteen (15) semester credits of administrative course work to include required credits in: education finance, administration and supervision of personnel, and legal aspects of education. Remaining coursework may be selected from: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation. (3-15-22)

ii. Hold a superintendent or principal endorsement on a standard administrator certificate and provide evidence of either a minimum of four (4) years teaching, three (3) of which must be in a career technical discipline; or successful completion of a Division of Career Technical Education career technical education leadership institute; or completion of course work including credits in: principles and foundations of career technical education, career technical student organizations, occupational analysis, curriculum design, one or more externships with career technical education industry advisor partners totaling 100 hours, and ongoing participation in technical advisory committee meetings associated with the school's career technical education programs. (4-6-23)

c. Industry-Based Occupational Specialist Certificate. Persons who hold an occupational specialist career technical certificate are eligible to teach in a career technical program pathway(s), subject to the grade range(s) and pathway areas(s) of the valid endorsement(s) attached to the certificate. All occupational specialist career technical certificates require candidates to meet the core teaching standards of the Idaho Standards for Initial Certification of Professional School Personnel. An occupational specialist career technical certificate may be issued to an experienced industry expert entering the teaching profession and meeting the following eligibility requirements: (3-15-22)

i. Possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, industry certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since

educational levels and work experiences vary, applicants may be determined qualified under any one (1) of the following three (3) options: (3-15-22)

(1) Have three (3) years or six thousand (6,000) hours of recent, gainful employment in the occupation for which certification is requested, at least half of which must have been during the immediate previous five (5) years; or (3-15-22)

(2) Have a baccalaureate degree in the specific occupation or related area, plus one (1) year or two thousand (2,000) hours of recent, gainful employment in the occupation for which certification is requested, at least half of which must have been during the immediate previous five (5) years; or (3-15-22)

(3) Hold or have held an industry certification in a field closely related to the content area in which the individual seeks to teach as approved by the Division of Career Technical Education. (3-15-22)

ii. Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching in Idaho public schools or new to teaching in career technical education in Idaho public schools. The certificate is an interim certificate and is valid for three (3) years and is non-renewable. Applicants must meet all of the minimum requirements established in Subsection 015.06.a. of these rules. Individuals on a limited occupational specialist certificate must complete one (1) of the two (2) following pathways during the validity period of the certificate: (3-15-22)

(1) Pathway I - Coursework: Within the three-year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete the pre-service training prescribed by the Division of Career Technical Education and demonstrate competencies in principles/foundations of occupational education and methods of teaching occupational education. Additionally, the instructor must satisfactorily demonstrate competencies in two (2) of the following areas: career pathways and guidance; analysis, integration, and curriculum development; and measurement and evaluation. (3-15-22)

(2) Pathway II – Cohort Training: Within the first twelve (12) months, the holder must enroll in the Division of Career Technical Education sponsored education pedagogy training and complete all requirements within the three-year validity period of the interim certificate. (3-15-22)

iii. Standard Occupational Specialist Certificate. (3-15-22)

(1) This certificate is issued to individuals who have held a limited occupational specialist certificate and completed one (1) of the pathways for renewable certification. (3-15-22)

(2) The Standard Occupational Specialist Certificate is valid for five (5) years and must meet the renewal requirements pursuant to Section 060 of these rules to renew. Credit equivalency will be based on verification of forty-five (45) hours of participation at approved technical conferences, institutes, or workshops where participation is prorated at the rate of fifteen (15) hours per credit; or one hundred twenty (120) hours of approved related work experience where hours worked may be prorated at the rate of forty (4) hours per credit; or any equivalent combination thereof. (4-6-23)

iv. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who are eligible for the Standard Occupational Specialist Certificate; and provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of Division of Career Technical Education approved education or content-related course work in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits. The Advanced Occupational Specialist Certificate is valid for five (5) years and must meet the renewal requirements pursuant to Section 060 of these rules to renew. (4-6-23)

05. Postsecondary Specialist Certificate. A Postsecondary Specialist certificate will be granted to a current academic faculty member whose primary employment is with any accredited Idaho postsecondary institution. To be eligible to teach in the public schools under this postsecondary specialist certificate, the candidate must supply a recommendation from the employing institution (faculty's college dean). The primary use of this state-issued certificate is for distance education, virtual classroom programs, and public and postsecondary partnerships.

(3-15-22)

a. To renew this certificate, the renewal application must be accompanied with a new written recommendation from the postsecondary institution (faculty's college dean level or higher). (3-15-22)

b. The candidate must meet the following qualifications: (3-15-22)

i. Hold a baccalaureate degree or higher in the content area being taught; (3-15-22)

ii. Be currently employed by the postsecondary institution in the content area to be taught; and (3-15-22)

iii. Complete and pass a criminal history background check as required by [Section 33-130, Idaho Code](#). (3-15-22)

06. American Indian Tribal Language Certificate. The five (5) federally recognized tribes of Idaho shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach tribal language(s) in accordance with [Section 33-1280, Idaho Code](#). To be eligible for an American Indian Tribal Languages certificate an applicant designated to teach tribal language(s) shall submit a complete application. If approved the certificate shall be issued for five years and is renewable. (3-15-22)

07. Junior Reserved Officer Training Corps (Junior ROTC) Instructors. (3-15-22)

a. To be eligible for a Junior ROTC Instructor certificate, an applicant shall submit a complete application and provide a copy of their certificate(s) or letter of completion of an armed forces Junior ROTC training program. (3-15-22)

b. If approved the certificate shall be issued for five years and is renewable. (3-15-22)

08. Additional Renewal Requirements. In addition to specific certificate or endorsement renewal requirements, applicants must meet the following renewal requirements as applicable: (3-15-22)

a. Administrator certificate renewal. In order to recertify, holders of an administrator certificate must complete a course consisting of a minimum of three (3) semester credits in the Idaho framework for teachers' evaluation pursuant to [Section 33-1204, Idaho Code](#). Credits must be earned through an approved educator preparation program and include a laboratory component. The laboratory component must include in-person or video observation and scoring of teacher performance using the statewide framework for teacher's evaluation. The approved course must include the following competencies: (3-15-22)

i. Understanding professional practice in Idaho evaluation requirements, including gathering accurate evidence and artifacts, understanding and using the state framework for evaluation rubric with fidelity, proof of calibration and interrater reliability, ability to provide effective feedback for teacher growth, and understanding and advising teachers on individualized learning plan and portfolio development. (3-15-22)

ii. Understanding student achievement and growth in the Idaho evaluation framework, including understanding how measurable student achievement and growth measures impact summative evaluation ratings and proficiency in assessment literacy. (3-15-22)

016. IDAHO INTERIM CERTIFICATE.

A three (3) year interim certificate may be issued to applicants who hold a valid certificate or license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement pursuant to [Section 33-4104, Idaho Code](#), or who are engaged in or completed a non-traditional route or alternative authorization to certification as prescribed herein. An interim certificate gives the holder the same rights and responsibilities as an individual with a standard certificate. (4-6-23)

01. Interim Certificate Not Renewable. Interim certification is only available on a one (1) time basis except under extenuating circumstances approved by the State Department of Education or Division of Career

Technical Education. An applicant must meet the requirements of the applicable alternate authorization route or non-traditional route to obtain a standard Idaho Educator Credential during the term of the interim certificate. (3-15-22)

02. Non-Traditional Route to Teacher Certification. An individual may acquire interim certification through a state board approved non-traditional route to teacher certification program. The non-traditional route may be used for first-time certification, subsequent certificates, and additional endorsements. (3-15-22)

a. Individuals who possess a baccalaureate degree or higher from an institution of higher education accredited by an entity recognized by the state board of education may receive an interim instructional certificate. To receive the interim certificate, the individual must: (3-15-22)

i. Complete or enroll in a state board approved program; and (3-15-22)

ii. Pass the state board approved pedagogy and content area assessment. (3-15-22)

b. Standard certification. Upon completion of the non-traditional route the applicant must complete a two (2) year state board approved teacher mentoring program and receive two (2) years of Idaho evaluations with a summative rating of proficient or better. (4-6-23)

03. Idaho Comprehensive Literacy Course. All Idaho teachers working on an interim certificate (alternate authorizations, nontraditional routes, reinstatement, or coming from out of state), must complete a state board approved Idaho Comprehensive Literacy course or assessment as a one-time requirement for standard instructional certificate. (3-15-22)

04. Teaching For Mathematical Thinking. All Idaho teachers or administrators with an interim certificate (alternate authorizations, nontraditional routes, reinstatements or coming from out of state), with an All Subjects (K-8) endorsement, any mathematics endorsement, Exceptional Child Education endorsement, Blended Early Childhood/Early Childhood Special Education endorsement, or Administrator certificate must complete the state board approved Teaching for Mathematical Thinking, course, as a one-time requirement for full certification. (4-6-23)

05. Reinstatement of Expired Certificate. An individual holding an expired standard Idaho certificate may be issued an interim certificate. During the validity period of the interim certificate, the applicant must meet the following requirements to obtain standard certification during the term of the interim certificate: (3-15-22)()

a. Two (2) years of Idaho evaluations, as applicable to the type of certification, with a summative rating of proficient or better; (4-6-23)

b. Measured annual progress on specific goals identified on the applicant's Individualized Professional Learning Plan; (3-15-22)

c. Completion of six (6) credit renewal requirement; and (4-6-23)

d. Completion of the Idaho Comprehensive Literacy Course or Teaching for Mathematical Thinking as provided herein. (3-15-22)

e. Individuals holding an expired certificate that was in good standing at the time the certificate expired, may have the certificate reinstated within one (1) year of the time the certificate expired by completing any outstanding professional development requirements that were pending at the time the certificate expired. (4-6-23)

06. Codes of Ethics. All laws and rules governing standard certificated staff with respect to conduct, discipline, and professional standards shall apply to all certified staff serving in an Idaho public school, including those employed under an interim certificate. (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

021. ENDORSEMENTS.

Holders of an Instructional Certificate ~~or~~ including Occupational Specialist Certificates must have one (1) or more endorsements attached to their certificate as applicable to the type of certification. Instructional staff are eligible to teach in the grades and content areas of their endorsements. Idaho educator preparation programs shall prepare candidates for endorsements in accordance with these certification requirements and the standards approved by the board. An official statement from the college of education of competency in a content area or field is acceptable in lieu of required credits if such statements are created in consultation with the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. Statements must include the number of credits the competency evaluation is equivalent to. To add an endorsement to a certificate, an individual must complete the credit hour requirements as established by the state board of education and meet or exceed the state qualifying score on a board approved content, pedagogy or performance assessment. (4-6-23)()

01. Clinical Experience Requirement. All standard endorsements require supervised clinical experience in the relevant content area, or a State Department of Education or Division of Career Technical Education approved alternative clinical experience as applicable to the area of endorsement. (4-6-23)

02. Alternative Authorization - Teacher to New Endorsement. This alternative authorization allows a local education agency to request additional endorsement for a candidate who holds an instructional certificate applicable to the type of endorsement. This authorization is valid for one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress on one (1) of the following options: (4-6-23)()

a. Option I -- An official statement of competency in a teaching area or field from the college of education of an accredited college or university is acceptable in lieu of courses if the statement is created in consultation with the department or division in which the competency is established and is approved by the director of teacher education of the recommending college or university. (3-15-22)

b. Option II -- Master's degree or higher. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid instructional certificate. Successful completion of a one (1) year, state board approved mentoring program must be completed during the first year to maintain the endorsement. (4-6-23)

c. Option III -- Content area assessment and mentoring. A candidate may add an endorsement by successfully completing a state board-approved content areas assessment and a one-year, state board-approved mentoring program within the first year of authorization. (3-15-22)

d. For all candidates ~~moving to an initial certification in a career technical education endorsement area holding a career technical education certification~~, the candidate will be required to complete or have completed ~~coursework in principles and foundations of career technical education and career technical student organizations, training in occupational analysis and curriculum design, and~~ a minimum of two hundred (200) internship/externship or professional industry work experience hours in the career technical education endorsement area. (4-6-23)()

03. National Board Certification. An applicant holding an instructional certificate and current national board certification may add an endorsement in a corresponding content-specific area. (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

076. CODE OF ETHICS FOR IDAHO PROFESSIONAL EDUCATORS (SECTIONS 33-1208 AND 33-1209, IDAHO CODE).

Believing in the worth and dignity of each human being, the professional educator recognizes the supreme importance of pursuing truth, striving toward excellence, nurturing democratic citizenship and safeguarding the freedom to learn and to teach while guaranteeing equal educational opportunity for all. The professional educator accepts the responsibility to practice the profession according to the highest ethical principles. The Code of Ethics for Idaho Professional Educators symbolizes the commitment of all Idaho educators and provides principles by which to

judge conduct. (3-15-22)

01. Aspirations and Commitments. (3-15-22)

a. The professional educator aspires to stimulate the spirit of inquiry in students and to provide opportunities in the school setting that will help them acquire viable knowledge, skills, and understanding that will meet their needs now and in the future. (3-15-22)

b. The professional educator provides an environment that is safe to the cognitive, physical and psychological well-being of students and provides opportunities for each student to move toward the realization of his goals and potential as an effective citizen. (3-15-22)

c. The professional educator, recognizing that students need role models, will act, speak and teach in such a manner as to exemplify nondiscriminatory behavior and encourage respect for other cultures and beliefs. (3-15-22)

d. The professional educator is committed to the public good and will help preserve and promote the principles of democracy. He will provide input to the local school board to assist in the board's mission of developing and implementing sound educational policy, while promoting a climate in which the exercise of professional judgment is encouraged. (3-15-22)

e. The professional educator believes the quality of services rendered by the education profession directly influences the nation and its citizens. He strives, therefore, to establish and maintain the highest set of professional principles of behavior, to improve educational practice, and to achieve conditions that attract highly qualified persons to the profession. (3-15-22)

f. The professional educator regards the employment agreement as a pledge to be executed in a manner consistent with the highest ideals of professional service. He believes that sound professional personal relationships with colleagues, governing boards, and community members are built upon integrity, dignity, and mutual respect. The professional educator encourages the practice of the profession only by qualified persons. (3-15-22)

02. Principle I - Professional Conduct. A professional educator abides by all federal, state, and local education laws and statutes. Unethical conduct shall include the conviction of any felony or misdemeanor offense set forth in [Section 33-1208, Idaho Code](#). (3-15-22)

03. Principle II - Educator/Student Relationship. A professional educator maintains a professional relationship with all students, both inside and outside the physical and virtual classroom. All digital communication with students must occur on approved district devices and platforms. Unethical conduct includes, but is not limited to: (3-15-22)()

a. Committing any act of child abuse, including physical or emotional abuse; (3-15-22)

b. Committing any act of cruelty to children or any act of child endangerment; (3-15-22)

c. Committing or soliciting any sexual act from any minor or any student regardless of age; (3-15-22)

d. Committing any act of harassment as defined by local education agency policy; (3-15-22)

e. Soliciting, encouraging, or consummating a romantic relationship (whether written, verbal, virtual, or physical) with a student, regardless of age; (3-15-22)

f. Soliciting or encouraging any form of personal relationship with a student that a reasonable educator would view as undermining the professional boundaries necessary to sustain an effective educator-student relationship; (3-15-22)

g. Using inappropriate language including, but not limited to, swearing and improper sexual

comments (e.g., sexual innuendos or sexual idiomatic phrases); (3-15-22)

h. Taking or possessing images (digital, photographic, or video) of students of a harassing, confidential, or sexual nature; (3-15-22)

i. Inappropriate contact with any minor or any student regardless of age using electronic or social media; (3-15-22)

j. Furnishing alcohol or illegal or unauthorized drugs to any student or allowing or encouraging a student to consume alcohol or unauthorized drugs except in a medical emergency; (3-15-22)

k. Conduct that is detrimental to the health or welfare of students; and (3-15-22)

l. Deliberately falsifying information presented to students. (3-15-22)

04. Principle III - Alcohol and Drugs Use or Possession. A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice. Unethical conduct includes, but is not limited to: (3-15-22)

a. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming illegal or unauthorized drugs; (3-15-22)

b. Being on school premises or at any school-sponsored activity, home or away, involving students while possessing, using, or consuming alcohol; (3-15-22)

c. Inappropriate or illegal use of prescription medications on school premises or at any school-sponsored events, home or away; (3-15-22)

d. Inappropriate or illegal use of drugs or alcohol that impairs the individual's ability to function; and (3-15-22)

e. Possession of an illegal drug as defined in [Title 37, Chapter 27, Idaho Code](#), Uniform Controlled Substances. (~~3-15-22~~)()

05. Principle IV - Professional Integrity. A professional educator exemplifies honesty and integrity in the course of professional practice. Unethical conduct includes, but is not limited to: (3-15-22)

a. Fraudulently altering or preparing materials for licensure or employment; (3-15-22)

b. Falsifying or deliberately misrepresenting professional qualifications, degrees, academic awards, and related employment history when applying for employment or licensure; (3-15-22)

c. Failure to notify the state at the time of application for licensure of past revocations or suspensions of a certificate or license from another state; (3-15-22)

d. Failure to notify the state at the time of application for licensure of past criminal convictions of any crime violating the statutes or rules governing teacher certification; (3-15-22)

e. Falsifying, deliberately misrepresenting, or deliberately omitting information regarding the evaluation of students or personnel, including improper administration of any standardized tests (changing test answers; copying or teaching identified test items; unauthorized reading of the test to students, etc.); (3-15-22)

f. Falsifying, deliberately misrepresenting, or deliberately omitting reasons for absences or leaves; (3-15-22)

g. Falsifying, deliberately misrepresenting, or deliberately omitting information submitted in the course of an official inquiry or investigation; (3-15-22)

h. Falsifying, deliberately misrepresenting, or deliberately omitting material information on an official evaluation of colleagues; and (3-15-22)

i. Failure to notify the state of any criminal conviction of a crime violating the statutes and/or rules governing teacher certification. (3-15-22)

06. Principle V - Funds and Property. A professional educator entrusted with public funds and property honors that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes, but is not limited to: (3-15-22)

a. Misuse, or unauthorized use, of public or school-related funds or property including district devices and networks; (3-15-22)()

b. Failure to account for school funds collected from students, parents, patrons, or other donors from all sources, including online donation platforms; (3-15-22)

c. Submission of fraudulent requests for reimbursement of expenses or for pay; (3-15-22)

d. Co-mingling of public or school-related funds in personal ~~bank~~ account(s); (3-15-22)()

e. Unauthorized Use of school property for private financial gain; (3-15-22)()

f. ~~Use of school computers to deliberately view or print pornography~~ Engaging in sexually explicit activity on a school device or network including, but not limited to, viewing pornographic or sexually explicit images, engaging in sexually explicit conversations, or creating or exchanging any type of sexually explicit content; and, (3-15-22)()

g. Deliberate use of poor budgeting or accounting practices. (3-15-22)

07. Principle VI - Compensation. A professional educator maintains integrity with students, colleagues, parents, patrons, or business personnel when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes, but is not limited to: (3-15-22)

a. Unauthorized solicitation of students or parents of students to purchase equipment, supplies, or services from the educator who will directly benefit; (3-15-22)

b. Acceptance of gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest; (3-15-22)

c. Tutoring students assigned to the educator for remuneration unless approved by the local board of education; ~~and~~, (3-15-22)()

d. Soliciting, accepting, or receiving a financial benefit greater than fifty dollars (\$50) as defined in Section 18-1359(b), Idaho Code; ~~and~~, (3-15-22)()

e. Keeping for oneself donations, whether money or items, that were solicited or accepted for the benefit of a student, class, classroom, or school. (3-15-22)

08. Principle VII - Confidentiality. A professional educator complies with state and federal laws and local school board policies relating to the confidentiality of student and employee records, unless disclosure is required or permitted by law. Unethical conduct includes, but is not limited to: (3-15-22)

a. Sharing of confidential information concerning student academic and disciplinary records, personal confidences, health and medical information, family status or income, and assessment or testing results with inappropriate individuals or entities; and (3-15-22)

b. Sharing of confidential information about colleagues obtained through employment practices with inappropriate individuals or entities. (3-15-22)

09. Principle VIII - Breach of Contract or Abandonment of Employment. A professional educator fulfills all terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes, but is not limited to: (3-15-22)

a. Abandoning any contract for professional services without the prior written release from the contract by the employing local education agency; (3-15-22)

b. Willfully refusing to perform the services required by a contract; and, (3-15-22)

c. Abandonment of classroom or failure to provide appropriate supervision of students at school or school-sponsored activities to ensure the safety and well-being of students. (3-15-22)

10. Principle IX - Duty to Report. A professional educator reports breaches of the Code of Ethics for Idaho Professional Educators and submits reports as required by Idaho Code. Unethical conduct includes, but is not limited to: (3-15-22)

a. Failure to comply with [Section 33-1208A, Idaho Code](#), (reporting requirements and immunity); (3-15-22)

b. Failure to comply with [Section 16-1605, Idaho Code](#), (reporting of child abuse, abandonment or neglect); (3-15-22)

c. Failure to comply with [Section 33-512B, Idaho Code](#), (suicidal tendencies and duty to warn); and (3-15-22)

d. Having knowledge of a violation of the Code of Ethics for Idaho Professional Educators and failing to report the violation to an appropriate education official. (3-15-22)

11. Principle X - Professionalism. A professional educator ensures just and equitable treatment for all members of the profession in the exercise of academic freedom, professional rights and responsibilities ~~while. A~~ [professional educator](#) follows generally recognized professional principles. Unethical conduct includes, but is not limited to: (3-15-22)

a. Any conduct that seriously impairs the Certificate holder's ability to teach or perform his professional duties; (3-15-22)

b. Committing any act of harassment toward a colleague; (3-15-22)

c. Failure to cooperate with the Professional Standards Commission in inquiries, investigations, or hearings; (3-15-22)

d. Using institutional privileges for the promotion of political candidates or for political activities, except for local, state or national education association elections; (3-15-22)

e. Willfully interfering with the free participation of colleagues in professional associations; and (3-15-22)

f. Taking, possessing, or sharing images (digital, photographic, or video) of colleagues of a harassing, confidential, or sexual nature. (3-15-22)

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 33-105](#), [33-116](#), [33-118](#), and [33-1612](#), 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 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than one (1) day 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 change will edit the incorporated by reference Special Education Manual document, subsection 004.04. The incorporated by reference document was revised and approved in the previous years, 2024-25, rulemaking cycle. The section of the manual updated was the Specific Learning Disability (SLD) section, following an inquiry from the U.S. Department of Education's Office of Special Education Programs (OSEP) in 2023. Concurrently, the Idaho Department of Education underwent a Differentiated Monitoring and Support 2.0 (DMS 2.0) review by OSEP, which identified additional areas of concern. However, due to timing and procedural requirements for public input under the [Individuals with Disabilities Education Act](#) (IDEA), as well as rulemaking timelines set by the Department of Financial Management (DFM) and the Office of the State Board of Education (OSBE), these concerns could not be addressed in the same revision as the SLD update that was completed in the 2024-25 rulemaking cycle.

2025-26 manual updates and clarifications include: specific learning disability (SLD) eligibility requirements; guidance related to charter school, private school, and home-school students; and guidance related to graduation requirements and discipline.

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

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

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2025 Idaho Administrative Bulletin, [Volume 25-6, p 20-21](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

By aligning the Idaho SPED manual to the federal Individuals with Disabilities Education Act, the state will directly address concerns as expressed by OSEP and comply with federal law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586.

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 22, 2025.

DATED this 21st day of August, 2025.

Nicholas Wagner, Agency Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
Phone: (208)488-7586
Fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0203-2501
(Only Those Sections With Amendments Are Shown.)

08.02.03 – RULES GOVERNING THOROUGHNESS

000. LEGAL AUTHORITY.

~~All rules in this Thoroughness chapter (IDAPA 08.02.03) are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-116, 33-118, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate.~~
(3-15-22) ()

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-15-22)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)

- a.** Arts and Humanities Categories: (3-15-22)
 - i.** Dance, as revised and adopted on June 12, 2024; (7-1-25)
 - ii.** Interdisciplinary Humanities, as revised and adopted on June 12, 2024; (7-1-25)
 - iii.** Media Arts, as adopted on June 12, 2024. (7-1-25)
 - iv.** Music, as revised and adopted on June 12, 2024; (7-1-25)
 - v.** Theater, as revised and adopted on June 12, 2024; (7-1-25)
 - vi.** Visual Arts, as revised and adopted on June 12, 2024; (7-1-25)
 - vii.** World languages, as revised and adopted on June 12, 2024. (7-1-25)

- b. Computer Science, adopted on June 12, 2024. (7-1-25)
 - c. Driver Education, as revised and adopted on June 12, 2024. (7-1-25)
 - d. Health, as revised and adopted on August 24, 2022. (4-6-23)
 - e. Information and Communication Technology, as revised and adopted on June 12, 2024. (7-1-25)
 - f. Physical Education, as revised and adopted on August 24, 2022. (4-6-23)
 - g. Social Studies, as revised and adopted on June 12, 2024. [**note – Grade 4 Social Studies and Grade 6-12 U.S. World History 1 remain as adopted on November 28, 2016.*] (7-1-25)
 - h. College and Career Readiness Competencies adopted on June 15, 2017. (3-15-22)
- 02. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)
- 03. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)
- 04. The Idaho Special Education Manual.** The Idaho Special Education Manual as adopted by the State Board of Education on ~~November 21, 2024~~ August 20, 2025. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (7-1-25)()

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2502

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 33-105, 33-116, 33-118, and 33-1612](#), 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 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than one (1) day 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 rule changes are to the Social Studies K-12 content standards incorporated by reference document outlined in subsection 004.01.g, will be reviewed following the 2025 legislative session. The Social Studies standards were reviewed during the 2023-2024 school year and submitted to the Idaho Legislature for final approval during the 2025 session. The Legislature rejected portions of the revised Social Studies standards and would like the standards reviewed again. Based on the 2025 legislative action, revisions to the Social Studies standards have been facilitated by the Idaho Department of Education for legislative consideration during the 2026 session.

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

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

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2025 Idaho Administrative Bulletin, [Volume 25-6, p 18-19](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Based on legislative action, revisions to the Grade 4 Social Studies and Grades 6-12 U.S. History I content standards have been facilitated by the Idaho Department of Education. Further, a new section on Grades 9-12 Western Civilization has been facilitated, as well, for legislative consideration during the 2026 session.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586.

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 22, 2025.

DATED this 21st day of August, 2025.

Nicholas Wagner, Agency Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
Phone: (208)488-7586
Fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0203-2502
(Only Those Sections With Amendments Are Shown.)

08.02.03 – RULES GOVERNING THOROUGHNESS

000. LEGAL AUTHORITY.

All rules in this Thoroughness chapter (IDAPA 08.02.03) are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-116, 33-118, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate. (3-15-22)()

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-15-22)

01. **The Idaho Content Standards.** The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)

- a. Arts and Humanities Categories: (3-15-22)
 - i. Dance, as revised and adopted on June 12, 2024; (7-1-25)
 - ii. Interdisciplinary Humanities, as revised and adopted on June 12, 2024; (7-1-25)
 - iii. Media Arts, as adopted on June 12, 2024. (7-1-25)
 - iv. Music, as revised and adopted on June 12, 2024; (7-1-25)
 - v. Theater, as revised and adopted on June 12, 2024; (7-1-25)
 - vi. Visual Arts, as revised and adopted on June 12, 2024; (7-1-25)
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- b. Computer Science, adopted on June 12, 2024. (7-1-25)
- c. Driver Education, as revised and adopted on June 12, 2024. (7-1-25)
- d. Health, as revised and adopted on August 24, 2022. (4-6-23)
- e. Information and Communication Technology, as revised and adopted on June 12, 2024. (7-1-25)
- f. Physical Education, as revised and adopted on August 24, 2022. (4-6-23)
- g. Social Studies, as revised and adopted on June 12, 2024. [*note – Grade 4 Social Studies and Grade 6-12 U.S. World History I remain as adopted on November 28, 2016.] August 20, 2025. (7-1-25)()

- h. College and Career Readiness Competencies adopted on June 15, 2017. (3-15-22)

02. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)

03. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)

04. The Idaho Special Education Manual. The Idaho Special Education Manual as adopted by the State Board of Education on November 21, 2024. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (7-1-25)

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-2503

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 20, 2025.

AUTHORITY: In compliance with [Sections 67-5226](#), Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to [Section 33-105](#), [33-116](#), [33-118](#), and [33-1612](#), Idaho Code.

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

The Idaho Special Education Manual was recently revised to update the eligibility criteria for Specific Learning Disability (SLD) following an inquiry from the [U.S. Department of Education's Office of Special Education Programs](#) (OSEP) in 2023. Due to timing and procedural requirements for public input under IDEA, one section of the eligibility criteria could not be addressed in the same revision.

The language in Chapter 4, Section 7 of the manual specifies that all disabilities except for Developmental Delay are eligible for special education for students from the age of 3. Currently, Specific Learning Disabilities are eligible for special education for students beginning in kindergarten.

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

The problem cannot be addressed by non-regulatory measures. It is necessary to pursue a temporary rule to ensure that local education agencies begin the 2025-2026 school year with a federally compliant special education manual. Without this change taking place for the 2025-2026 school year, OSEP could put restrictions on the IDEA grant to the state (approximately 71 million with 90% going to LEAs).

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208) 488-7586.

DATED this 21st day of August, 2025.

Nicholas Wagner, Agency Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
Phone: (208)488-7586
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**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0203-2503
(Only Those Sections With Amendments Are Shown.)**

08.02.03 – RULES GOVERNING THOROUGHNESS

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-15-22)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)

- a.** Arts and Humanities Categories: (3-15-22)
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 - iii.** Media Arts, as adopted on June 12, 2024. (7-1-25)
 - iv.** Music, as revised and adopted on June 12, 2024; (7-1-25)
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 - vi.** Visual Arts, as revised and adopted on June 12, 2024; (7-1-25)
 - vii.** World languages, as revised and adopted on June 12, 2024. (7-1-25)
- b.** Computer Science, adopted on June 12, 2024. (7-1-25)
- c.** Driver Education, as revised and adopted on June 12, 2024. (7-1-25)
- d.** Health, as revised and adopted on August 24, 2022. (4-6-23)
- e.** Information and Communication Technology, as revised and adopted on June 12, 2024. (7-1-25)
- f.** Physical Education, as revised and adopted on August 24, 2022. (4-6-23)
- g.** Social Studies, as revised and adopted on June 12, 2024. [**note – Grade 4 Social Studies and Grade 6-12 U.S. World History 1 remain as adopted on November 28, 2016.*] (7-1-25)
- h.** College and Career Readiness Competencies adopted on June 15, 2017. (3-15-22)

02. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)

03. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (3-15-22)

04. The Idaho Special Education Manual. The Idaho Special Education Manual as adopted by the State Board of Education on ~~November 21, 2024~~ August 20, 2025. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov/board-policies-rules/board-rules/documents-incorporated-by-reference-or-rule/>. (7-1-25)(8-20-25)T

IDAPA 08 – STATE BOARD OF EDUCATION
08.02.05 – RULES GOVERNING PAY FOR SUCCESS CONTRACTING
DOCKET NO. 08-0205-2501 (ZBR CHAPTER REPEAL)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 33-125B](#), 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 15, 2025.

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 rule was promulgated and structured around statute 33-125B, Idaho Code. 33-125B and the rule have not been utilized by the State Department of Education in recent years or possibly ever. Additionally, IDAPA 08.02.05 is scheduled for review in reference to the Zero-based Regulation review process brought forth by Executive Order 2020-21. The process requires full chapter evaluation of how it can be improved, simplified, and streamlined. Any provisions duplicative of statutory language will also be removed. For this reason, the action of this rule is to repeal the rule in its entirety.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2025 Idaho Administrative Bulletin, [Volume 25-6, p 20-21](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586.

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 22, 2025.

DATED this 21st day of August, 2025.

Nicholas Wagner, Agency Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
Phone: (208)488-7586
Fax: (208)334-2632

IDAPA 08.02.05 IS PROPOSED TO BE REPEALED IN ITS ENTIRETY.

IDAPA 11 – IDAHO STATE POLICE

11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 23-932](#), [23-946\(b\)](#), and [23-1330](#), 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 15, 2025.

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 rulemaking provides greater clarity and lessens some of the regulatory requirements for Idaho businesses.

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

No fees are being imposed or increased by this rulemaking.

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

There is no fiscal impact as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2, 2025 Idaho Administrative Bulletin, [Volume 25-7, pages 45-46](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

There are no materials incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Captain Rocky Gripton, (208) 884-7062, email rocky.gripton@isp.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to rocky.gripton@isp.idaho.gov and must be delivered on or before October 22, 2025.

DATED this 26th day of August, 2025.

Lt Col. Russ Wheatley, Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Russ.wheatley@isp.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 11-0501-2501
(Only Those Sections With Amendments Are Shown.)

11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL

010. DEFINITIONS.

In addition to the applicable definitions found in Sections 23-902, 23-942, 23-1001, and 23-1303, Idaho Code, the following apply: (7-1-25)

01. Actual Use. The Actual Use of a liquor license by a licensee requires that the premises be open for business to the public and advertised to the public for regular scheduled availability of the sale, service, and dispensing of alcoholic beverages including liquor by the drink on a weekly basis, at least three (3) days and twenty-four (24) hours per week. The licensee is required to notify ABC within fifteen (15) days of any reduction of the regular scheduled day(s) and time(s) due to construction or refurbishment. (7-1-25)()

02. Business. Business means any operation to carry out the normal day to day activities to exercise the privilege of holding a liquor license and operating a premises, for purposes of Section 23-903, Idaho Code. (7-1-25)

03. Multipurpose Arena Facility. For purposes of Section 23-944(3), Idaho Code, a Multipurpose Arena Facility is a publicly or privately owned or operated arena, coliseum, stadium, or other facility where sporting events, concerts, live entertainment, community events, and other functions are presented for a ticketed price of admission or one whose premises are leased for private events such as receptions. (7-1-25)

04. Owner. An owner as stated in Section 23-903 subsections 16-18, Idaho Code, may hold the privilege to a license as between that person and the state of Idaho, and is subject to the qualifications and restrictions contained in Idaho Code Chapters 9, 10 and 13 of Title 23. (7-1-25)

05. Partition. A partition, as used in Section 23-944 Idaho Code, is defined as a structure separating the place from the remainder of the premises. (7-1-25)

06. Stock Transfer. For the purposes of Section 23-908, Idaho Code, the sale or exchange of stock in a closely held corporation holding a license is deemed a transfer of the license. However, the sale or exchange of shares in a family corporation among family members, is not a transfer. (3-23-22)

07. Transfer. Any change to a person as defined in Section 23-902(13), Idaho Code, who owns, operates, or leases an alcohol beverage license as a privilege granted by ABC except the transfer conditions set forth in Section 23-903(16), Idaho Code. For purposes of Sections 23-903(16)(d) and (e), Idaho Code, other than the “onetime-only transfer” where referenced, transfer means sale of the license. (7-1-25)

011. GENERAL PROVISIONS.

01. Delegation of Authority to License Alcoholic Beverages. The Director hereby delegates his authority for alcohol beverage licensing as defined in Title 23, Chapters 9, 10, and 13, Idaho Code, to the Alcohol Beverage Control Bureau, Idaho State Police pursuant to Section 67-2901(4), Idaho Code. (7-1-25)

02. Restaurant Licensure Requirements. In order to receive a license under these rules and Chapter 9, Title 23, a Restaurant must: (7-1-25)

a. Have a dining room, kitchen, and cooking facilities for the preparation of food; and (7-1-25)

b. Demonstrate to the satisfaction of the Director: (7-1-25)

- i. An established menu identifying individually priced meals; (7-1-25)
- ii. Food service and preparation occurs on the premises; (7-1-25)
- iii. Stoves, ovens, refrigeration equipment or such other equipment commonly found in restaurants are located on the premises; ~~and~~ (7-1-25)()

iv. Through appropriate business records, that the establishment is advertised and held out to the public as primarily a food-eating establishment, or that at least forty percent (40%), or at least sixty percent (60%) for resort city restaurant liquor licenses as set forth in Section 23-903c., Idaho Code, of the establishment's consumable purchases are derived from purchases of food and non-alcoholic beverages. (7-1-25)

v. All liquor sales shall cease at the time food sales and services cease; and ()

vi. No restaurant licensed pursuant to this section shall promote or operate the restaurant as a bar or lounge. ()

03. Premises Loss, License Display, and Actual Use Requirement. (7-1-25)

a. In the event of loss or move of the physical licensed premises, or reversion under Section 23-903(17), Idaho Code, a licensee has one hundred eighty (180) days to secure and occupy a new premises in which to display the license. An additional sixty (60) days may be granted by ABC, upon petition by the license holder. (7-1-25)

b. All licenses must be prominently displayed in suitable premises and remain in Actual Use. (7-1-25)

04. Notification of Renewals and Administrative Actions. For the purposes of Section 23-903(18)(e), Idaho Code, the owner and lessee must each include in the lease agreement a primary email contact to which the renewal notice, filings, and payment of administrative actions will be sent. It is the responsibility of the owner and lessee to notify ABC of any change in contact information. (7-1-25)

05. Controlled Access to Minors. Access through any premises will be controlled to prevent minors from entering the place: (7-1-25)

a. Except for a one (1) room restaurant without a barrier or partition, rooms must be separated by a permanently fixed partition no less than six (6) feet in height; (7-1-25)

b. Exterior portions of a premises must be constructed in a manner that prevents loitering or access by a minor and must be in compliance with local ordinances; (7-1-25)

c. Partitions must be constructed of such material designed to prevent alcohol beverages from being passed over, under, or through the partition; and (7-1-25)

d. Approved by the Director. (7-1-25)

06. Multipurpose Arena Facility Licensure Requirements. A Multipurpose Arena Facility must renew the endorsement annually on the alcohol beverage license. To receive a multipurpose arena endorsement under these rules, the facility must: (7-1-25)

a. ~~Prepare-cooked~~ Have adequate food available based on the anticipated crowd size for purchase during events during the time alcohol is available for sale; and (7-1-25)()

b. Submit with the application an operating/security plan to ABC and the local law enforcement agency for review and approval. Once approved, the plan remains in effect until the licensee requests a change or ABC determines that a change is necessary due to demonstrated problems or conditions not previously considered or

addressed in the original plan. The plan must contain the following elements: (7-1-25)

i. How the licensee will prevent the sale and service of alcohol to persons under twenty-one (21) years of age and those who appear to be intoxicated; (7-1-25)

~~ii. The ratio of employees and security staff to the size of audiences at events where alcohol is being served or dispensed;~~ (7-1-25)

iii. Alcohol server Training provided to staff who serve dispense, or supervise the service and consumption of alcohol; (7-1-25)()

~~iv. The licensee's policy on the number of alcohol beverages that will be served to an individual patron during one (1) transaction;~~ (7-1-25)

~~viii.~~ A list description of event types to be held in the facility; and (7-1-25)()

~~vi. Diagrams and designation of alcohol service areas for each event, category type, with identified areas to restrict minors.~~ (7-1-25)

c. ABC may restrict the type of events at the facility at which beer, wine, and liquor by the drink may be served. (7-1-25)

d. ABC will consider the seating accommodations, dining, operational plans, and other amenities available at the facility prior to endorsement. (7-1-25)

e. Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to ABC and local law enforcement showing the date and time of any events where alcohol service is planned. The licensee must notify ABC and local law enforcement at least twenty-four (24) hours in advance of any events where alcohol service is planned but was not included in the monthly schedule. (7-1-25)

f. For those premises only operating as a venue that leases or rents its facility for private events, such as weddings, receptions, or other events defined in Section 23-902 (12), Idaho Code, the monthly schedule of events and updates necessary under Paragraph 011.06.e. are not required to be submitted. ()

~~fg.~~ When the facility ceases to meet the qualifications of the endorsement, Sections 23-943 and 23-945 Idaho Code, apply. The licensee shall advise ABC that facility no longer constitutes a Multipurpose Arena. (7-1-25)

07. Product Replacement. Any beer or wine products removed from the licensed retailer's premises by a wholesaler/distributor for quality control or public health are not considered to be a violation of Section 23-1033 or 23-1325, Idaho Code. (7-1-25)

IDAPA 11 – IDAHO STATE POLICE

11.06.01 – RULES GOVERNING CIVIL ASSET FORFEITURE REPORTING

DOCKET NO. 11-0601-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 37-2744 \(Chapter 27, Article V\)](#), 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:

This rulemaking is intended to eliminate the accumulation of costly or outdated regulations and reduce the regulatory burden on Idaho citizens and businesses. There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 6, 2025 Idaho Administrative Bulletin, [Vol. 25-8, pages 12-14](#).

FEE SUMMARY: Pursuant to [Section 67-5224\(2\)\(d\)](#), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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

There is no fiscal impact associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lt. Colonel Russ Wheatley, (208) 884-7004 email: russ.wheatley@isp.idaho.gov.

DATED this 28th day of August, 2025.

Lt Colonel Russ Wheatley
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian, ID 83642
(208) 884-7004
Russ.wheatley@isp.idaho.gov

IDAPA 11 – IDAHO STATE POLICE

11.10.02 – RULES GOVERNING STATE CRIMINAL HISTORY RECORDS AND CRIME INFORMATION

DOCKET NO. 11-1002-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 [67-3001](#), [67-3003](#), [67-3004](#), [67-3007](#), and [67-3010](#), 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:

This rulemaking is intended to clarify and update language in the rule. There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 6, 2025 Idaho Administrative Bulletin, [Vol. 25-8, pages 26-29](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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

There is no fiscal impact as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Bureau Chief Leila McNeill at (208) 884-7316, email Leila.mcneill@isp.idaho.gov.

DATED this 28th day of August, 2025.

Lieutenant Colonel Russ Wheatley
Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Russ.wheatley@isp.idaho.gov

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.03 – PUBLIC USE OF LANDS OWNED OR CONTROLLED BY THE DEPARTMENT OF FISH AND GAME

DOCKET NO. 13-0103-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 36-104\(b\)](#), 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 15, 2025.

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 rulemaking concerns the comprehensive review of current chapter IDAPA 13.01.03, “Public Use of Lands Owned or Controlled by the Department of Fish and Game,” in compliance with [Executive Order 2020.01](#). The agency has identified some technical, duplicative, and non-substantive modifications to be evaluated for integration.

The agency added clarifying language around prohibited activities, to include the use of airsoft guns and exploding targets; added a definition for ‘camping;’ modified the ‘watercraft’ definition to match a definition in another section of rule; and added language that provides the agency more flexibility in posting camping stay limits.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5, pages 40-41](#).

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

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 22, 2025.

DATED this 4th day of August, 2025.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0103-2501
(ZBR Chapter Rewrite.)

13.01.03 – PUBLIC USE OF LANDS OWNED OR CONTROLLED BY THE DEPARTMENT OF FISH AND GAME

000. LEGAL AUTHORITY.

Section 36-104(b), Idaho Code, ~~authorizes the Commission to adopt rules concerning the use of lands owned or controlled by the Department.~~ (3-31-22)()

001. TITLE AND SCOPE.

~~The title of this chapter for citation is IDAPA 13.01.03 "Public Use of Lands Owned or Controlled by the Department of Fish and Game."~~ These rules govern use of lands owned or controlled by the Department. (3-31-22)()

002. – 009. (RESERVED)

010. DEFINITIONS.

01. Aircraft. Any vehicle capable of use for transportation on or in the air and any unmanned aircraft system. (3-31-22)

~~**02. Camp(ing).** To use a location as a temporary or permanent place of dwelling, lodging or living accommodation. Indicators of camping may include, but are not limited to, storing personal belongings, erecting tents or other temporary structures, overnight sleeping, carrying on cooking activities, laying out bedding or making any fire.~~ ()

~~**03. Commercial Use.** Any use or activity related to a business venture or for which a fee is charged, or in which the primary purpose is the sale or barter of goods or services, regardless of whether the use or activity is intended to produce a profit.~~ (3-31-22)

~~**04. Lands Owned or Controlled by the Department.** Real property, owned or controlled by the Commission or Department, managed for public recreation or for the protection, maintenance, ~~and~~ or enhancement of fish and wildlife.~~ (3-31-22)()

~~**05. Designated Roads and Trails.** All roads and trails posted as open or designated as open on Department public use maps.~~ (3-31-22)

~~**06. Safety Zone.** A posted area established for the safety and protection of persons, equipment, structures, or livestock, and where shooting within, across, or into the area is not permitted.~~ (3-31-22)()

~~**07. Unattended.** As it pertains to decoys, the absence of any person within one hundred (100) yards from any decoy for a period of more than one-half (1/2) hour.~~ (3-31-22)

~~**08. Watercraft.** Any vessel capable of use for~~ Device as a means of transportation on or in the water. (3-31-22)()

011. – 099. (RESERVED)

100. PUBLIC USE RESTRICTIONS.

01. Activities Not Allowed Without Authorization. Unless specifically authorized by the Commission, Director, Regional Supervisor, or designee, no person may: (3-31-22)

a. Enter, use, or occupy lands or water when said lands are posted against such entry, use, or occupancy. (3-31-22)

b. ~~Camp or park a vehicle or trailer in any area posted against such use, or to~~ or, in locations where camping is specifically authorized, fail to comply with posted stay limits or leave unattended a camp, vehicle, or trailer for more than forty-eight (48) hours, ~~or to camp or park a vehicle or trailer for more than ten (10) days during any thirty (30) day period on any one (1) Wildlife Management Area (WMA) or one (1) access site separate from a WMA.~~ (3-31-22)()

- c. Operate any motorized vehicle, including over-snow use, except on designated roads and trails. (3-31-22)
 - d. Use watercraft on any waters posted against such use. (3-31-22)
 - e. Use any form of fireworks ~~or~~ explosives, or exploding targets. ~~(3-31-22)~~()
 - f. Permit any dog or other domestic animal to run at large when not present to control or care for it, or to permit any dog to be off leash when posted against such use. (3-31-22)
 - g. Conduct a dog field trial of any type, except a dog field trial or dog training using artificially propagated game birds between August 1 and September 30 with ~~Department~~ authorization ~~under~~ pursuant to IDAPA 13.01.15.300, "Rules Governing the Use of Dogs." ~~(3-31-22)~~()
 - h. Construct any blind, pit, platform, or tree stand, where soil is disturbed or trees are cut or altered, and fasteners, such as wire, rope, or nails are used; or to leave any portable manufactured blind or tree stand overnight. (3-31-22)
 - i. Adjust, open, close, tamper with, or manipulate in any manner, any diversion structure, headgate, flume, recorded or flow dock or any device for water control. This provision does not limit the powers of agencies or irrigation districts as provided by statute or rule. (3-31-22)
 - j. Shoot within, across, or into posted safety zones. (3-31-22)
 - k. Leave any decoy unattended, or to place any decoy any earlier than two (2) hours before official shooting hours for waterfowl, or to leave any decoy at a hunting site later than two (2) hours after official shooting hours for waterfowl. (3-31-22)
 - l. Discharge any paintball, or airsoft guns. ~~(3-31-22)~~()
 - m. Disturb or remove any soils, gravel, or minerals. (3-31-22)
 - n. Turn domestic livestock into, or allow ~~said animals~~ them to graze or trail on or across Department lands, except riding and pack animals may be used in association with recreational uses or as posted. ~~(3-31-22)~~()
 - o. Cut, dig, or remove any crops, trees, shrubs, grasses, forbs, logs, or fuel wood. (3-31-22)
 - p. Place, maintain, or store any beehives or bee boards. (3-31-22)
 - q. Use lands for any commercial purpose. (3-31-22)
 - r. Place a geocache. (3-31-22)
 - s. Use for group events of over fifteen (15) people. (3-31-22)
 - t. Land or launch aircraft except on public airstrips. (3-31-22)
 - u. Use or transport any hay, straw, or mulch that is not weed-free certified. (3-31-22)
101. – 999. (RESERVED)

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.04 – RULES GOVERNING LICENSING

DOCKET NO. 13-0104-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) [36-104](#), [36-301](#), [36-401](#), [36-402](#), [36-403](#), [36-404](#), [36-405](#), [36-406](#), [36-406a](#), [36-407](#), [36-408](#), [36-409](#), [36-409a](#), [36-410](#), [36-411](#), [36-412](#), [36-413](#), and [36-1101](#), 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 20, 2025.

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 rulemaking concerns the comprehensive review of current IDAPA 13.01.04, “Rules Governing Licensing,” in compliance with [Executive Order 2020-01](#). The agency has identified some technical, duplicative, obsolete, and non-substantive modifications to be evaluated for integration. The agency has evaluated content of this chapter and [IDAPA 13.01.08](#), “Rules Governing Taking of Big Game Animals,” and in an effort to streamline, has moved relevant content that specifically addresses big game to 13.01.08 and content that addresses general licensing topics has been moved from 13.01.08 to 13.01.04.

The agency has added language around the newly adopted non-resident draw framework approved by the Commission through temporary rule. This rulemaking adds a provision to hunt turkeys through the Landowner Permission Hunt and Landowner Appreciation Program; adds a new Herd Health Landowner Permission Hunt; and adds stronger language highlighting the illegality of sale, marketing, or purchase of Landowner Appreciation Program tags. Language was added to the bighorn sheep auction and lottery tag sections to provide more opportunities for Hells Canyon hunters.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2024 Idaho Administrative Bulletin, [Volume 24-5, pages 188-189](#).

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

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 22, 2025.

DATED this 4th day of August, 2025.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771
Email: [Comment Here](#)

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0104-2401
(ZBR Chapter Rewrite.)

13.01.04 – RULES GOVERNING LICENSING

000. LEGAL AUTHORITY.

Sections 36-104(b), 36-301, 36-401 through 413, and 36-1101, Idaho Code. (4-6-23)

001. SCOPE.

These rules govern licensing. (4-6-23)

002. – 009. (RESERVED)

010. DEFINITIONS.

01. Allocated Tag. Game tags ~~allocated under Section 36-408, Idaho Code~~ that may be sold only to an outfitted hunter. (4-6-23)()

02. Authorized Corporate Representative. Corporation shareholder designated in writing by the corporation as the eligible tag applicant. (4-6-23)

03. Blind or Visually Impaired. Persons meeting criteria set forth in Sections 36-202(w) or 67-5402(2), Idaho Code. (4-6-23)

04. Capped Hunt. A hunt framework for which the Commission has set a limit on the total number of tags available to residents and nonresidents by game management zone, unit, or other hunt area. In a capped hunt, tags are available to residents over the counter, without a drawing by lot, and tags are available to nonresidents either over the counter or by drawing by lot. ()

05. Controlled Hunt. A hunt framework for which tags are drawn by lot by game management zone, unit, or other hunt area. ()

046. Domicile. An individual's true, fixed, permanent home and where they intend to return whenever absent. Individuals can have only one (1) domicile. Determination of domicile may consider, without limitation: (4-6-23)

- a. Income tax return state of residency and filing address; (4-6-23)
- b. Voter registration: (4-6-23)
- c. Location where person and immediate family live: (4-6-23)
- d. Mailing/forwarding address; (4-6-23)
- e. Vehicle registration; (4-6-23)
- f. Location claimed for homeowner exemption; or (4-6-23)
- g. State of driver's license. (4-6-23)

057. Disabled. Meeting criteria set forth in Sections 36-406(g), or 36-1101(b), Idaho Code. (4-6-23)

~~068.~~ **Eligible Property.** At least three hundred twenty (320) acres of land, excluding any government lands, in one (1) ~~controlled hunt area~~ Game Management Unit determined by the Department to be valuable for habitat or propagation purposes for deer, elk, pronghorn, or black bear, or at least seventy nine (79) acres of land, excluding any government lands, in one (1) Game Management Unit determined by the Department to be valuable for habitat or propagation purposes for turkey whether owned by one (1) or more persons, a partnership, or corporation. (4-6-23)()

~~079.~~ **Landowner.** Person or corporation whose name appears on a deed as the owner, or on a sales contract as the purchaser, and any affiliates, management companies, associated entities, wholly-owned subsidiaries, corporations, or limited liability companies wherein fifty percent (50%) or more of the ownership or controlling interest is maintained by a single individual, partnership, or corporation. (4-6-23)

10. Leftover Tag. A tag that is unsold or returned without use. ()

11. Licensed Medical Provider. Person licensed to practice medicine pursuant to the Idaho Medical Practice Act (Sections 54-1801 through 54-1820, Idaho Code), or equivalent state licensing authority in the state of practice. ()

12. NR DAV Draw Hunt. Controlled hunt framework specific to drawing by lot of reduced fee deer and elk tags for eligible nonresident disabled veterans. ()

13. NR Draw Hunt. Controlled hunt framework in which tags are available to residents over the counter but are issued by drawing by lot to nonresidents. These may include capped hunts and NRL hunts. These hunts are considered controlled hunts subject to application fees under sections 36-104 and 36-416, Idaho Code. ()

14. NRL Hunt. Hunt framework in which nonresident tags are limited but tags are available to residents over the counter without limit. ()

~~0815.~~ **Non-Allocated Tag.** Game tag ~~other than an allocated tag~~ that may be sold to either outfitted or non-outfitted hunters. (4-6-23)()

16. Over the Counter (First come, First Served). The sale of tags on a first-come, first-served basis on-line, at Department offices and other vendor locations, without a drawing by lot. ()

~~0917.~~ **Outfitted Hunter.** Person who obtains hunting services (excluding meat pack-out) under written agreement with an outfitter licensed under ~~Chapter 21, Title 36, Idaho Code~~, for the species and area for which the applicable game tag is valid. (4-6-23)()

~~1018.~~ **Permanent Disability.** Medically determinable physical impairment, which a ~~physician~~ licensed medical provider has certified as a condition having no expectation for a fundamental or marked improvement at any time in the future. (4-6-23)()

~~1119.~~ **Physician.** Person licensed to practice medicine pursuant to the Idaho Medical Practice Act (Sections 54-1801 through 54-1820, Idaho Code), or equivalent state licensing authority in the state of practice. (4-6-23)

~~1220.~~ **Two-Year Outfitter Verified Use History.** Tag use by outfitted hunters, as verified and recorded in accordance with Section 36-408, Idaho Code, for each of the two (2) calendar years immediately preceding the date on which the Commission determines tag allocation for a hunt area. (4-6-23)

011. – 049. (RESERVED)

050. RESIDENT LICENSES AND LIFETIME CERTIFICATES.

A person, upon payment of the appropriate fee set forth in Sections 36-413 or 36-416, Idaho Code, and proof of Idaho residence or qualification for resident license privileges, may receive the corresponding resident license or lifetime

license certificate under the conditions set forth in this section. (3-31-22)

01. Proof of Residence. Resident license and lifetime license certificate applications must be supported by an original or unaltered copy of the following: (3-31-22)

a. Idaho Driver's License for all persons who drive. (3-31-22)

b. Nondrivers may use other suitable proof of residency, such as: (3-31-22)

i. Idaho Identification Card issued by the Idaho Transportation Department; or (3-31-22)

ii. Two (2) documents bearing the applicant's name and address, not issued by the applicant, such as: (3-31-22)

(1) Rent receipts or mortgage statements for previous six (6) months; (3-31-22)

(2) Home utility bills for previous six (6) months; (3-31-22)

(3) A notarized statement from an employer on business letterhead; (3-31-22)

(4) Proof of voter registration dated six months prior; (3-31-22)

c. For persons under eighteen (18) years of age who do not have an Idaho Driver's license or Idaho Identification Card: (3-31-22)

i. For lifetime license certificates: a certified copy of the minor's birth certificate, and proof of Idaho residency of one (1) parent or legal guardian in accordance with this subsection. (3-31-22)

ii. For annual or shorter-term licenses: proof of Idaho residency of one (1) parent or legal guardian in accordance with this subsection and attestation by the parent or legal guardian of the minor's identity. (3-31-22)

02. Verification of Idaho Residency. The Department may investigate and verify that the information submitted by the applicant as to Idaho residency is true and correct. (3-31-22)

~~**03. Application by Telephone or Electronic Methods.** Application for annual or shorter term licenses may be made by telephone or other electronic methods, provided the applicant supplies the number from a valid license or identification card issued by the Idaho Transportation Department. (3-31-22)~~

043. Applications for Lifetime License Certificates. Applications for lifetime license certificates will be made on a form prescribed by the Department and may only be submitted either in person at a Department office or by mail to the Department at P.O. Box 25, Boise, ID 83707. (3-31-22)

051. ~~PURCHASING~~ BUYING LICENSES FOR OTHERS.

01. Resident Licenses. A resident may ~~purchase~~ buy a license for ~~the resident's spouse or child under the age of eighteen (18) living in the same household;~~ another resident provided that the ~~purchaser~~ buyer presents proof of residence for the person who will hold the license. (3-31-22)()

02. Nonresident Licenses. A person may ~~purchase~~ buy a nonresident license for another person because no residency certification is necessary. (3-31-22)()

03. Lifetime License Certificates. If the lifetime license certificate is being ~~purchased~~ bought for a person other than the one submitting the application, the ~~purchaser~~ buyer must provide proof of residence for the intended recipient of the lifetime license certificate in accordance with Section 050 ~~of these rules.~~ (3-31-22)()

052. – 199. (RESERVED)

200. LICENSES, PERMITS, AND TAGS FOR LIFETIME LICENSE CERTIFICATE HOLDERS.

01. Licenses. Authorized lifetime license certificate holders will be issued the appropriate combination, hunting, ~~or~~ fishing, or trapping license annually, provided they are eligible for said license. (3-31-22)()

02. Permits and Tags. The certificate holder has the responsibility to obtain any appropriate permit or game tag. (3-31-22)

201. CERTIFICATE NON-TRANSFERABLE.

Neither the lifetime license certificate nor the annual licenses are transferable. The fee paid is not refundable under any circumstances. (3-31-22)

202. CERTIFICATE HOLDERS RESIDING OUT-OF-STATE.

01. Validity. The lifetime license certificate does not become invalid if the certificate holder subsequently resides outside the state of Idaho. (3-31-22)

02. Effect of Subsequent Change in Residency. Should the certificate holder subsequently become a nonresident, ~~the following applies: they will be treated as a resident, except they will be subject to nonresident fees for tags and permits in accordance with Section 36-416, Idaho Code.~~ (3-31-22)()

~~a. The holder may only purchase permits, and tags at the nonresident fee. (3-31-22)~~

~~b. The holder will be treated as a resident for purposes of controlled hunt applications and limits or quotas on the number of tags or permits based on resident/non resident status. (3-31-22)~~

~~c. The holder will be entitled to resident bag and possession limits. (3-31-22)~~

203. OBTAINING CERTIFICATES UNLAWFULLY.

It is unlawful for any person to obtain, use or possess, or attempt to obtain, use or possess a lifetime license certificate by fraud, deceit or misrepresentation. All licenses, including lifetime license certificates unlawfully obtained shall be seized and shall become null and void. Any fees paid, will not be refunded. (3-31-22)()

204. REVOCATION OF CERTIFICATE AND LICENSES.

A lifetime license and the rights of a lifetime license certificate holder to obtain a license may be revoked pursuant to Section 36-1402, and ~~Chapter 15, Title 36, Idaho Code.~~ (3-31-22)()

205. – 249. (RESERVED)

250. DEFACED OR ALTERED LICENSES INVALID.

Any license that is defaced, altered, or tampered with will be invalid from the date and time of issuance. It is unlawful to use or attempt to use any license that has been defaced, tampered with, or altered. Evidence of defacing, tampering, or altering includes but is not limited to tears or erasures or typeovers to the license stock. (3-31-22)

251. – 254. (RESERVED)

~~**255. AUTHORIZATION NUMBER PENDING RECEIPT OF LICENSE.**~~

~~**01. Authorization Number.** A person applying by telephone or other electronic method will receive an authorization number assigned as directed by the Department. (3-31-22)~~

~~**02. Authorization Number Used in Lieu of License.** The authorization number provided to telephone applicants may be used in lieu of the actual license only by the individual for whom the license was purchased. When used in lieu of a license, the person must carry government issued identification and present such identification and provide the authorization number to comply with Section 36-1201, Idaho Code. The authorization number may be used for not more than fourteen (14) calendar days from the date of issue, except authorization numbers for short-~~

~~term licenses are valid only for the stated term from the beginning effective date of the license. This allows the authorization number holder to hunt or fish during the time period it takes to mail the license to the individual. Thereafter, the individual must have in possession the appropriate signed license to hunt or fish.~~ (3-31-22)

~~**03. Violation.** It is a violation to hunt and fish with an invalid authorization number or an authorization number issued to another person.~~ (3-31-22)

~~**04. Authorization Number Only Eligible for Certain Activities.** The authorization number may be used only for those hunting or fishing activities that do not require a license, tag, or permit to be notched or attached to a carcass.~~ (3-31-22)

~~**256.—261. (RESERVED)**~~

262. RESIDENT LICENSES – JOB CORPS STUDENTS.

A Job Corps student may obtain a resident fishing license pursuant to Section 36-202(s)4, Idaho Code, provided the student presents certification of current enrollment at a Job Corps Center in Idaho signed by the Center director. (3-31-22)

263. RESIDENT LICENSES – MILITARY PERSONNEL – U.S. AND FOREIGN

01. Nonresident Eligibility. (3-31-22)

a. A nonresident member of the Armed Forces of the United States or a foreign country may obtain a resident license pursuant to [Section 36-202\(s\)\(3\)](#), provided the service member presents a copy of assignment orders (in official form appropriate for the branch of service, such as “Request and Authorization for Permanent Change of Station-Military”) that indicate the member is on active-duty with a permanent duty station in Idaho at the time of license application. The nonresident active-duty member’s spouse and dependent children less than eighteen (18) years of age may obtain a resident license, provided they present a copy of the assignment orders and documentation they are member of the active duty member’s household in Idaho. (3-31-22)()

b. Members of the Armed forces who are not residents of the state, and who are stationed or domiciled in Idaho for fewer than thirty (30) days immediately preceding application are not eligible for resident licenses or a military furlough license and must ~~purchase~~ buy nonresident licenses and tags. (3-31-22)()

c. Discharged servicemembers 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 licenses until they have domiciled in this state for a period of six (6) months. The Department will rely on Discharge Form DD214 (or official successor form certifying release or discharge from active duty) for the home of record. (3-31-22)

d. Civilian employees of the military who are not Idaho residents are not eligible for resident licenses. (3-31-22)

02. Resident. Idaho residents who are in the military service of the United States and maintain Idaho as their official home of residence are eligible to ~~purchase~~ buy a resident license or obtain a military furlough license, pursuant to [Section 36-202\(s\)\(2\)](#), provided they provide a current leave and earnings statement or other proof identifying Idaho as their official state of residence. The service member’s spouse and dependent children less than eighteen (18) years of age living in the service member’s household may ~~purchase~~ buy resident licenses. (3-31-22)()

264. RESIDENT LICENSES – STUDENT.

01. Absent Full-time Student. Pursuant to [Section 36-202\(s\)1, Idaho Code](#), an Idaho resident who is a full-time student of an out-of-state institution of learning, paying nonresident tuition or otherwise not claiming residency in another state, is entitled to receive a resident license, for a period not to exceed five (5) years, even though the student is not physically present in Idaho continuously for a period of six (6) months preceding his application for such license. (3-31-22)

02. Temporarily Present. Students who are temporarily present within the state of Idaho while exercising residency privileges in another state or country are not eligible to ~~purchase~~ buy resident licenses.

(3-31-22)()

265. FOREIGN EXCHANGE HIGH SCHOOL STUDENTS.

Pursuant to [Section 36-202\(s\), Idaho Code](#), any foreign exchange student enrolled in an Idaho high school may obtain a resident fishing license, provided the student presents proof of Idaho high school enrollment and a copy of the U.S. Immigration document or other government document showing “J-1” student classification. All other foreign students are nonresidents.

(3-31-22)

266. FOREIGNERS/ALIENS IN IDAHO.

~~Foreigners residing in the state on a temporary visa are not eligible for a resident license. Persons residing in the state who present a valid permanent visa or a currently pending application for U.S. citizenship are eligible for a resident license if they have been~~ Non-U.S. citizens are not eligible for resident licenses unless they present a valid permanent U.S. visa or a pending application for U.S. citizenship and proof of being domiciled within Idaho for six (6) months with a bona fide intent to remain.

(3-31-22)()

267. – 301. (RESERVED)

302. DISABILITY LICENSES.

Disability licenses include: Disabled Combination, Disabled Hunting, Disabled Fishing, Disabled American Veterans Combination, Disabled American Veterans Hunting, Disabled American Veterans Fishing, and Nonresident Disabled American Veterans Hunting.

(3-31-22)

01. Attestation to Disability. No person may misrepresent any information to obtain a disability license.

(3-31-22)

02. Documentation for Eligibility. The Department will not process an application for a disability license unless the applicant provides to the Department (by mail or in person) or vendor one (1) of the following:

(3-31-22)

a. A Social Security Administration benefit verification letter in the individual’s name showing that the applicant is receiving SSI (Supplemental Security Income) or SSDI benefits for the current year;

(3-31-22)

b. A letter from the Railroad Retirement board verifying disability status dated within three (3) years preceding the application for a disabled license;

(3-31-22)

c. An official identification card issued by the U.S. Department of Defense, or a letter, of any date, from the U.S. Department of Veterans Affairs, verifying a service-connected disability rating of forty percent (40%) or greater. Such documentation will be required only for the initial application and will not be required for subsequent disability license application. The Department will not process applications for nonresident Disabled American Veteran licenses unless applicants provide this documentation.

(3-31-22)

d. A current year’s letter from U.S. Veterans Affairs showing an individual is receiving a nonservice-connected pension.

(3-31-22)

e. Certification of permanent disability on a form prescribed by the Department, completed and signed by the applicant’s physician, physician assistant, or nurse practitioner, also signed by the applicant, stating which of the criteria set forth in Subsection 010.047 ~~of this rule~~, qualifies the applicant as permanently disabled and why. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a copy of the physician, physician assistant, or nurse practitioner’s medical license must accompany the application.

(3-31-22)()

f. A valid Idaho driver’s license if the holder meets disability requirements of [Section 49-117\(7\)\(b\)](#), Idaho Code, and the license is marked as disabled.

(3-31-22)

303. DISABLED PERSONS MOTOR VEHICLE HUNTING PERMITS.

01. Applications for Disabled Motor Vehicle Hunting Permits. (3-31-22)

a. Applications for disabled motor vehicle hunting permits will be on a form prescribed by the Department, completed and signed by the applicant, or an individual may present their valid Idaho driver's license in lieu of the prescribed Department form if the individual meets the disability requirements of [Section 49-117\(7\)\(b\)](#), Idaho Code, except for blindness, and the driver's license is appropriately marked as disabled. (3-31-22)

b. Each application submitted on the Department form shall be accompanied by certification from the applicant's physician, physician assistant, or nurse practitioner stating which of the criteria set forth in [Section 36-1101, Idaho Code](#), qualifies the applicant and why, along with the applicant's certification that the applicant is capable of holding and firing, without assistance from other persons, legal hunting equipment. If the physician, physician assistant, or nurse practitioner is not licensed to practice in Idaho, a copy of the physician, physician assistant, or nurse practitioner's medical license must accompany the application. Physicians, physician assistants, or nurse practitioners must check the appropriate box for short-term or long-term disability on the application. If the disability is short term and physical mobility is expected to improve, the physician, physician assistant, or nurse practitioner must include a date when the disability is expected to end. (3-31-22)

02. Disabled Motor Vehicle Hunting Permits. (3-31-22)

a. Disabled motor vehicle hunting permits will expire no later than December 31 of the fifth year following the date of issuance. (3-31-22)

b. The permit shall be prominently displayed on any vehicle from which the person is hunting, on the driver's side of the dashboard of the parked vehicle, suspended from the rearview mirror, or otherwise displayed so as to be in plain view of any person looking at the vehicle or through any windshield. (3-31-22)

304. REASONABLE MODIFICATION PERMIT (WEAPON RESTRICTIONS).

01. Application. Applications for reasonable modification permits (for medical reasons) to allow use of equipment otherwise unauthorized will include: (4-6-23)

a. All information requested on a form prescribed by the Department; (3-31-22)

b. The applicant's signature; (3-31-22)

c. Signed certification from a licensed medical provider of the applicant's ~~physician, physician assistant, optometrist, or nurse practitioner~~ stating the criteria limiting the applicant's ability to participate without special accommodation, including checking of the appropriate box for short-term or long-term disability, and for short-term disability, including date when the disability is expected to end; which for visual disabilities may also be certified by the applicant's optometrist, licensed under Title 54, Chapter 15, Idaho Code; (3-31-22)()

d. A copy of the license of the physician, physician assistant, optometrist, or nurse practitioner, if that person is not licensed to practice in Idaho; (3-31-22)

e. Applicant's certification that applicant is able to hold and fire, without help from other persons, legal firearms or archery equipment; and (3-31-22)

f. A description of equipment accommodation requested, explaining how the requested accommodation will allow the applicant to participate without enhancing their abilities beyond the limitations and purpose of the hunt. (4-6-23)

02. Determination. The Department will make its determination based on reasonableness of the accommodation and its consistency insofar as possible with all provisions guiding other hunters. The Department has discretion to deny applications as unreasonable in light of restrictions for other hunters, or set a modification different from the modification requested. (4-6-23)

a. Reasonable modification related to accommodation for use of scope or sight magnification (including battery-powered or tritium-lighted reticles) for archery or muzzleloader equipment may include magnification up to 4x power because of equipment availability. (3-31-22)

b. Reasonable modification related to archery only hunts may include the use of a crossbow or a device that holds a bow at partial or full draw. (3-31-22)

c. Reasonable modification for blind or visually impaired hunters may include a simple electronic device (e.g., smartphone camera), incorporated or attached to the scope (otherwise prohibited by [IDAPA 13.01.08.410.01](#)), for use by the hunter or companion, only as a viewfinder or display screen to aid in aiming. (4-6-23)

03. Authority. Reasonable Modification Permits authorize holders to use equipment, as specified in the permit, that is otherwise prohibited. (4-6-23)

04. Expiration and Carrying. (3-31-22)

a. Reasonable modification permits expire no later than December 31 of the fifth year following the issuance date, or the earlier ending of any shorter-term disability. (4-6-23)

b. A permit holder must carry a copy of the permit during any hunting in which the permit applies. (4-6-23)

305. DISABLED HUNTER AND COMPANION: GAME TAGS, PERMITS, AND LIMITS.

01. Assistance of Disabled Hunter by Designated Companion. Any disabled hunter possessing a valid disability license, disabled motor vehicle or disabled archery permit, as provided in Sections 302 through 304, or who is a disabled veteran participating in a hunt as provided in [Section 36-408\(7\)](#), Idaho Code, may be accompanied by a designated companion who may assist the disabled hunter with taking wildlife. (3-31-22)

02. Excepted From Game Tag or Game Permit Possession Only. The companion assisting a disabled hunter is excepted from game tag or permit possession to take game wounded by a disabled hunter. All other applicable rules governing the taking of wildlife apply to the companion, including possession of a valid hunting license and any applicable weapons permit (archery or muzzleloader) for the hunt. (3-31-22)

03. Validation and Attachment of Tag. The companion to a disabled hunter may validate and attach the disabled hunter's game tag or permit in accordance with applicable rules (~~IDAPA 13.01.08, Rules Governing Taking of Big Game Animals, or IDAPA 13.01.09, Rules Governing Taking of Game Birds and Upland Game Animals~~). (3-31-22) ()

04. Accompanying the Disabled Hunter. The companion must accompany the disabled hunter while hunting. Once a disabled hunter has wounded game, the hunter's companion does not need to be accompanied by the disabled hunter while taking game wounded by the disabled hunter or while tagging or retrieving downed game on behalf of the disabled hunter. (3-31-22)

05. Written Statement of Designation. While taking wounded or killed game to assist a disabled hunter, the companion to a disabled hunter must possess a written statement from the disabled hunter designating that person as the disabled hunter's companion, signed by the disabled hunter including the disabled hunter's name, address, hunting license number, any applicable tag or permit number, and the dates of designation as a companion. If a companion to a disabled hunter transports any wildlife on behalf of a disabled hunter, a proxy statement is required in accordance with [Section 36-502, Idaho Code](#). (3-31-22)

06. Companion's Possession Limit. Any wounded game killed, or game tagged or retrieved, by a designated companion on behalf of a disabled hunter counts against the disabled hunter's possession limit and does not count against the companion's possession limit. (3-31-22)

07. Disabled Hunter Considered for Violation. The disabled hunter in possession of the valid game tag or permit is considered the hunter for violation of waste or destruction of wildlife under [Section 36-1202, Idaho Code](#). (3-31-22)

306. – ~~399~~09. (RESERVED)

310. TAGS AND PERMITS.

No person may take big game animals without having in possession the appropriate license, tags, and permits as set forth in Section 36-409, Idaho Code. ()

01. Use of Tags and Permits. ()

a. Controlled hunt tags, including controlled depredation hunt tags and controlled hunt extra tags, issued for big game animals may be used only for take of the animal in the hunt area specified by Commission proclamation or Department order for the controlled hunt for which the tag is issued. ()

b. General season tags, including extra general season tags, issued for big game animals may be used during any open general season, including any general special weapon season, ONLY as follows: ()

i. Only for take of the animal specified on the tag, with a Regular Deer tag being valid for mule deer or white-tailed deer; and ()

ii. Only in the hunt area for which the tags are issued, as designated by Commission proclamation. ()

c. And for elk, Elk A Tags may be used only during a general season, including any general special weapon season, designated by Commission proclamation as an Elk A season, and Elk B Tags may be used only during any general season, including any general special weapon season designated by Commission proclamation as an Elk B season. ()

02. Statewide Hunt Area. If a general season tag, including any extra general season tag, for a big game animal does not specify a hunt area, the tag may be used statewide, unless Commission proclamation or Department order specifies an area where such tag use is prohibited or otherwise limited in its use. ()

03. Additional Use of Nonresident Deer and Elk Tags. A hunter may use an unfilled nonresident elk or deer tag, to take instead a black bear, mountain lion, or gray wolf, during the open season corresponding to the elk or deer tag hunt area or unit when the season for the animal taken is also open. ()

311. ARCHERY AND MUZZLELOADER PERMITS.

No person may hunt in a season designated by Commission proclamation as Archery Only or Muzzleloader Only without the appropriate archery or muzzleloader permit for the relevant season validated on their license. ()

312. DELAY IN ELIGIBILITY FOR BUYING LIMITED GENERAL HUNT TAG.

When the Commission limits the number of tags available for a general big game hunt, the Commission may establish a period of no more than five (5) days at the beginning of a tag sale period, during which any applicant for a controlled hunt in the same license year for the same species is not eligible to buy a tag for that limited hunt. ()

313. -- 314. (RESERVED)

315. NONRESIDENT TAG RESTRICTIONS.

01. Controlled Hunt Limitations. Outfitter-allocated hunts, NR Draw Hunts, NR DAV Draw Hunts, LAP Hunts, LPH hunts, and emergency depredation hunts are exempt from the limitation of this Subsection. ()

a. In controlled hunts with nineteen (19) or fewer tags, not more than one (1) nonresident tag will be issued. In controlled hunts, EXCEPT unlimited controlled hunts, with more than twenty (20) tags, not more than ten percent (10%) of the tags will be issued to nonresidents. This rule will apply to each uniquely numbered controlled

hunt and to the controlled hunts for each species. ()

b. In controlled hunts unlimited for residents, the Commission may limit the number of tags available for nonresident hunters to no less than ten percent (10%) of the average number of tags drawn annually during the previous five (5) year period. ()

02. General Hunts. The Commission may make tags available to nonresidents via NR Draw Hunts or over the counter sales. The Commission may limit the number of tags available for nonresidents in a zone or big game hunting unit to no less than ten percent (10%) of the average hunter participation estimated for that zone or unit during the previous five (5) year period. The Commission may make tags available to nonresidents via NR Draw Hunts or over the counter sales. ()

03. Wildlife Partnership Tags. Governor's Wildlife Partnership Tags for deer, elk, pronghorn, bighorn sheep, mountain goat, and moose will be taken from the nonresident tag availability and is subject to Nonresident Tag Limitations set forth in Section 36-408(09) Idaho Code. ()

316. -- 319. (RESERVED)

320. ELIGIBILITY FOR CONTROLLED HUNT APPLICATION.

A person must possess an Idaho hunting license valid for taking game animals to apply for any controlled hunt. ()

01. Bighorn Sheep. ()

a. Any person whose name was drawn on a controlled hunt for any bighorn sheep is not eligible to apply for any bighorn tag for two (2) years. Except that a person may apply for a bighorn tag in the second application period or a leftover bighorn tag in the current and the following year. ()

b. Any person who has killed a California bighorn ram is not eligible to apply for a California bighorn ram controlled hunt tag; and any person who has killed a Rocky Mountain bighorn ram is not eligible to apply for a Rocky Mountain bighorn ram controlled hunt tag, 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 tag for any hunt north of Interstate Highway 84; and 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 tag for any hunt south of Interstate Highway 84. ()

c. Any person who kills a bighorn ewe is not eligible to apply for another bighorn ewe controlled hunt tag for five (5) years. The harvest of a bighorn ewe does not make the person ineligible to apply for a tag to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe is not eligible to apply for any bighorn ram the same year. ()

02. Mountain Goat. ()

a. Any person whose name was drawn on a controlled hunt for mountain goat is not eligible to apply for a mountain goat tag for two (2) years. Except that a person may apply for a mountain goat tag in the second application period or a leftover mountain goat tag in the current and the following year. ()

b. Any person who has killed a mountain goat since 1977 is not eligible to apply for a mountain goat tag. ()

03. Moose. ()

a. Any person whose name was drawn on a controlled hunt for moose is not eligible to apply for a moose permit for two (2) years. Except that a person may apply for a moose tag in the second application period or a leftover moose tag in the current and the following year. ()

b. Any person who has killed an antlered moose in Idaho is not eligible to apply for a moose tag for

antlered moose, and any person who has killed an antlerless moose in Idaho is not eligible to apply for a tag for antlerless moose, except that any person may apply for tags remaining unsold after the controlled hunt draw. ()

04. Antlered-Only Deer, Antlered-Only Elk, and Pronghorn. Any person whose name was drawn on a controlled hunt for antlered-only deer, antlered-only elk, or any pronghorn (including either sex, and doe and fawn) is not eligible in the following one (1) year to apply for any controlled hunt for the respective species drawn (antlered-only deer, antlered-only elk, or any pronghorn). ()

a. Exceptions. A person drawn in the previous year remains eligible to apply for controlled hunts in the second application period, controlled hunts with an unlimited number of tags, or Landowner Appreciation Program hunts. Such person is also eligible to purchase a leftover tag or Governor's Wildlife Partnership Tag. ()

05. Grizzly Bear. No person who has killed a grizzly bear in Idaho may apply for a grizzly bear tag. ()

06. Black Bear. Any nonresident applying for a controlled black bear hunt who wishes to use hounds must separately apply for a Hound Hunter Permit, subject to applicable limitations of IDAPA 13.01.15. ()

07. Landowner Permission Hunts. Any person applying for a landowner permission hunt must have a permission slip including the name, address, and signature of a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area for big game species and seventy-nine acres (79) acres in the hunt area for game birds. ()

08. Herd Health Landowner Permission Hunts. Any person applying for a herd health Landowner Permission hunt must have a permission slip including the name, address, and signature of the landowner who owns or leases property in the defined hunt area. ()

09. Youth Only Hunts. Youth-only controlled hunt application eligibility is limited to persons nine (9) to seventeen (17) years of age, provided they will be ten (10) to seventeen (17) years of age during the hunt for which they apply. A nine (9) year old cannot participate in the hunt until turning ten (10). A person who turns eighteen (18) years of age during the hunt may continue to participate through the end of the youth-only controlled hunt. A person sixty-five (65) years of age or older, or a person with a disabled license, may apply during a second application period for youth-only controlled hunts or buy leftover youth-only controlled hunt tags on a first come, first served basis. ()

10. Outfitter Allocated Hunts. Any person must have a written agreement with an outfitter to submit an application for an outfitter allocated controlled hunt. ()

11. Multiple Applications. ()

a. Any person applying for a bighorn sheep, mountain goat, grizzly bear, or moose controlled hunt is not eligible to apply for any other controlled hunt in the same year, except Unlimited Controlled Hunts, a controlled black bear hunt, a controlled gray wolf hunt, or a designated depredation or extra tag hunt for deer, elk or pronghorn. Unsuccessful applicants for bighorn sheep, mountain goat, grizzly bear, or moose controlled hunts are eligible to participate in the second application period for deer, elk, and pronghorn, and of leftover controlled hunt tags. ()

b. A person may apply for both a controlled hunt tag and a controlled hunt extra tag for the same big game species. ()

321. – 329. (RESERVED)

330. CONTROLLED HUNT APPLICATIONS

01. Application Periods and Tag Claim Deadlines. The Department will publish dates for controlled hunt application periods, deadlines for claiming tags, and leftover tag sales via the Department's website and proclamation brochures. ()

02. Applications. Individual applications or group applications for controlled hunts may be submitted during the application period, via the automated licensing system at any vendor location, including Department offices, the Internet, or telephone. Any individual application or group application that has incomplete or incorrect hunt or license numbers or lacks information or fees will be declared void and will not be entered in the drawing. All applications will be considered final; except, applicants who want to change their submitted controlled hunt application may request the original application be canceled and resubmit a new controlled hunt application during the applicable application period. The new application is subject to the appropriate controlled hunt application fees. ()

03. Deadline for Claiming Tags and Unclaimed Tags. Successful applicants must claim controlled hunt tags by the published deadlines for the respective first or second deer and elk controlled hunt drawings, or black bear, gray wolf, or pronghorn controlled hunt drawings. Any controlled hunt deer or elk tag not bought and picked up by the published deadline for the first application period will be made available for the second controlled hunt drawing. Any controlled hunt deer or elk tag not bought and picked up by the second controlled hunt drawing, or any black bear, gray wolf, or pronghorn controlled hunt tag not picked up by the published deadline will be sold as leftover controlled hunt tags. ()

04. Applicant Requirements. Applicants must comply with the following requirements: ()

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 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. ()

b. Only one (1) controlled hunt extra tag will be issued for each person on any application submitted. ()

c. Several applications may be submitted so long as each application is for a single species, a single applicant or group, and both hunts on an application are controlled hunt tag hunts or controlled hunt extra tag hunts. ()

d. The fee set by Section 36-416, Idaho Code, must be submitted with each application, including for leftover controlled hunt tags. A single payment may be submitted to cover fees for all applications. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. ()

05. Group Application. ()

a. A “group application” for deer, elk, and pronghorn is defined as two, three, or four (2, 3, or 4) persons applying for the same controlled hunt(s) on the same application. All applicants must comply with all rules and complete applications properly. All applicants must abide by the same first and second hunt choices. ()

b. A “group application” for moose, bighorn sheep, mountain goat, black bear, and gray wolf, is defined as two (2) persons applying for the same controlled hunt on the same application. Both applicants must comply with all rules and complete applications properly. Both applicants must abide by the same first and second hunt choices. ()

c. If a group application exceeds the number of tags available in a hunt, that group application will not be selected for that hunt. ()

d. If an applicant becomes ineligible prior to the drawing the applicant will be removed from the application and excluded from the drawing. ()

06. Unlimited Controlled Hunts. Unlimited controlled hunts identified by proclamation as “first-choice only” may be applied for only as the applicant’s first choice-controlled hunt. ()

07. Landowner Permission Controlled Hunts. Landowner permission hunt tags will be sold first-come, first-served basis at the Department’s Headquarters or regional offices beginning the first business day on or

after July 15. ()

08. Hunt Choice Drawing. Single or group applications which are not drawn for the first-choice hunt will automatically be entered into an additional choice drawings, provided the additional choice hunt applied for has not been filled. ()

09. Second Drawing Exclusion. The Director may designate certain controlled hunt tags unclaimed (3-31-22) after the first drawing to become immediately available on a first-come, first-served over-the-counter basis due to the dates of the hunt. ()

331. – 339. (RESERVED)

340. NR DRAW AND NR DAV DRAW HUNT CHOICES AND APPLICATIONS.

01. Eligibility for Multiple Hunt Applications and Tag Limits. ()

a. A person may only submit one application each for deer or elk in NR draw hunts. An individual eligible for both NR DAV draw hunts and NR draw hunts may submit an application for each hunt type. ()

b. An individual who is successful in an NR DAV draw hunt or in the first application period of an NR draw hunt is not eligible to apply in the second application period for NR draw hunts. An application for an NR draw hunt or a DAV Draw Hunt does not restrict eligibility for other controlled hunt applications or leftover tag purchases, but successful applicants cannot possess more than one tag each for deer or elk, except where the Commission has authorized possession of additional tags. ()

02. Hunt Choices. ()

a. Individual or group applications for NR and NR DAV Tag may apply for up to five (5) prioritized hunt choices per application. ()

b. If a group application is drawn whose number of applicants exceeds the number of available tags, that group application will not be selected for that hunt. ()

c. Applications that are not selected for their higher choice hunt will automatically be entered into drawings for their lower choices, provided the lower choices applied for have not been filled. ()

03. Group Application. ()

a. A “group application” for NR draw hunts or NR DAV draw hunts may be submitted by two, three, or four (2, 3, or 4) individuals eligible for the same hunt(s) on the same application. ()

b. If any applicant is ineligible at the time of drawing the applicant will be removed from the application and excluded from the drawing. ()

341. – 349. (RESERVED)

350. USE OF CONTROLLED HUNT TAGS.

01. Use of Controlled Hunt Tags. No person may hunt in any controlled hunt without having a valid controlled hunt tag in possession as specified by species in Section 320. ()

a. A controlled hunt area with an “X” suffix is an extra tag hunt. ()

b. In the event a tag is issued based on erroneous information supplied by the applicant, the tag will be invalidated by the Department and may NOT be used. The Department will notify the person of the invalidation of the tag. 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. ()

02. Deer. Any person who draws a controlled hunt tag for deer is not eligible to hunt in any other deer hunt--archery, muzzleloader, or general; except: ()

a. The person may choose not to purchase the controlled hunt tag by the date set by proclamation for the first deer drawing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()

b. If the person draws an unlimited controlled hunt, the person may relinquish the controlled hunt prior to purchasing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()

c. The holder of a deer controlled hunt tag may purchase a nonresident general season tag as a second tag. ()

d. Any person who draws a controlled hunt extra tag for deer may also possess any other deer general or any other non-extra controlled hunt deer tag hunt in any other deer hunt-archery, muzzleloader, general or controlled hunt. ()

03. Elk. Any person who draws a controlled hunt tag for elk is not eligible to hunt in any other elk hunt--archery, muzzleloader, or general; except: ()

a. The person may choose not to purchase the controlled hunt tag by the date set by Commission rule for the first elk drawing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()

b. If the person draws an unlimited controlled hunt, the hunter may relinquish the controlled hunt prior to purchasing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()

c. The holder of an elk controlled hunt tag may purchase a nonresident general season tag as a second tag. ()

d. Any person who draws a controlled hunt extra tag for elk may also possess another elk hunt, general or any other non-extra controlled hunt elk tag hunt in any other elk hunt-archery, muzzleloader, general or controlled hunt. ()

04. NR Draw Tags. A nonresident who draws an elk or deer tag in NR Draw Hunt or NR DAV Draw Hunt may participate in another hunt that is not an extra tag hunt, provided they exchange or relinquish the NR Draw or NR DAV Draw Hunt tag for the other controlled hunt tag or leftover tag by any applicable deadline. ()

05. Pronghorn. Any person who draws a pronghorn controlled hunt tag is not eligible to hunt in any other pronghorn hunt; except: ()

a. The person may choose not to purchase the controlled hunt tag by the date set by Commission rule for the first pronghorn drawing allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()

b. If the person draws an unlimited controlled hunt, the person may relinquish the controlled hunt prior to purchasing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale. ()

c. The holder of a pronghorn controlled hunt tag may purchase a controlled hunt extra tag for pronghorn. ()

d. Any person who draws a pronghorn controlled hunt extra tag may possess any other pronghorn hunt, general or any other non-extra controlled hunt pronghorn tag apply for a controlled hunt tag for pronghorn. ()

06. Black Bear.

a. Any person who draws a spring controlled hunt tag for black bear may choose to purchase the controlled hunt bear tag or return an unused general season bear tag in exchange for the controlled hunt bear tag.

b. Any person who draws a fall controlled hunt tag for black bear may choose to purchase the controlled hunt bear tag or return an unused general season bear tag in exchange for the controlled hunt bear tag.

351. – 399. (RESERVED)

400. LANDOWNER APPRECIATION PROGRAM (LAP).

01. Property and Landowner Registration.

a. Only landowners who have registered their eligible property with the Department are eligible to apply for LAP controlled hunt tags for deer, elk, pronghorn, turkey, and/or black bear. Registered landowners must notify the Department of any changes in property ownership or eligibility.

b. Registration of an eligible property and landowner applicant will be on a form prescribed by the Department. The landowner must submit the registration form; a copy of the deed(s) and the most recent tax assessment(s) describing the eligible property and showing the name(s) of the owner(s); and a map of the eligible property to the Department regional office. Department personnel will certify the registration and land description and return a copy to notify the landowner.

c. If the person registering is an authorized corporate or partnership representative, the registration will include written verification from the board of directors, partnership, or an officer of the corporation, other than himself the registrant, verifying that he is they are authorized to register the property and eligible applicants.

02. Hunt Areas. LAP controlled hunt tags will be issued only for those controlled hunt areas designated by the Commission as eligible for such tags.

03. Tag Eligibility. Landowners may receive LAP controlled hunt tags only for the species and sex that use the eligible property and only for LAP hunt areas in which the registered property is located.

04. Controlled Hunt Applications. Applications for LAP controlled hunt tag(s) will be on a form prescribed by the Department.

a. Applications from landowners with six hundred forty (640) acres or more will be accepted on or after May 15 of each year. Applications submitted in person or mailed to the Department main office or any Regional Office, postmarked not later than June 15 of each year on a date published in the LAP proclamation, will be entered in the random drawing for LAP controlled hunt tags. Each application will be entered in the random drawing one (1) time based upon each six hundred and forty (640) acres of eligible property registered by the landowner that are within the game management unit. LAP controlled hunt area.

b. One (1) application may be submitted by a landowner with eligible property consisting of six hundred forty (640) acres to four thousand nine hundred ninety-nine (4,999) acres. A second application may be submitted for eligible property consisting of five thousand (5,000) acres or more.

05. Left-Over Tags. Landowners with eligible property consisting of three hundred twenty (320) acres or more may apply for left-over tags following the random draw. Written-a Applications will be accepted beginning on the first business day on or after July 15 of each year as specified in the brochure on a first-come, first-served basis, provided they are accompanied by the appropriate application fee as specified in Section 36-416, Idaho

Code. (3-31-22)()

06. Issuance of ~~Controlled Hunt~~ Tag(s). (3-31-22)()

a. Once the Commission has determined the number of controlled hunt tags to be issued in any controlled hunt area, an additional ten percent (10%) of the number of controlled hunt tags may be issued as LAP tags. In subsequent years up to twenty-five percent (25%) of the number of controlled hunt tags may be issued only if the hunt is over subscribed by eligible LAP applicants. (3-31-22)

b. Where the number of LAP applicants exceeds the number of LAP controlled hunt tags available in an area, successful applicants will be determined by drawing. All eligible landowners in the drawing will be considered for one (1) tag before any landowner is eligible for a second tag. (3-31-22)

c. No more than two (2) LAP controlled hunt tags and no more than one (1) LAP controlled hunt extra tag per species may be issued to any eligible landowner per registration. (3-31-22)()

d. Only one (1) leftover LAP controlled hunt tag may be issued for eligible property consisting of between three hundred twenty (320) and six hundred thirty-nine (639) acres within a ~~LAP controlled hunt area~~ Game Management Unit. Only one (1) LAP controlled hunt tag may be issued for eligible property consisting of between six hundred forty (640) and four thousand nine hundred ninety-nine (4,999) acres within a ~~LAP controlled hunt area~~ Game Management Unit. One (1) additional LAP controlled hunt tag may be issued to a landowner or designated agent(s) for eligible property in excess of five thousand (5,000) acres within a ~~LAP controlled hunt area~~ Game Management Unit. No landowner or designated agent(s) is eligible to receive more than one (1) LAP controlled hunt tag for one (1) species in a calendar year. (3-31-22)()

e. A successful landowner, corporate or partnership representative drawing a LAP controlled hunt tag may designate an eligible individual to whom the controlled hunt tag will be issued. (3-31-22)

07. ~~Sale or~~ Marketing, or Purchase Unlawful. It is unlawful for anyone other than the Department or Department-authorized representative to sell or market LAP controlled hunt tags, and it is unlawful for a person to buy an LAP controlled hunt tag from any person other than the Department or Department-authorized representative. In addition to any statutory penalties, a violator of this provision will not be eligible to participate in the LAP program for three (3) years. (3-31-22)()

08. Application of Controlled Hunt Restrictions. (3-31-22)

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 does not apply to persons who are otherwise eligible to apply for a LAP controlled hunt tag~~ Applicants for LAP controlled hunt tags are not subject to nonresident limits or quota, or to waiting periods or restrictions based on other controlled hunt applications. (3-31-22)()

b. ~~LAP controlled hunts are exempt from limits or quotas on nonresident tags.~~ (3-31-22)

c. ~~LAP controlled hunt tags are exempt from the one (1) year waiting periods for deer, elk and pronghorn controlled hunt applications under IDAPA 13.01.08, "Rules Governing Taking of Big Game Animals," Section 257.~~ (3-31-22)

09. **Special Restrictions.** Any person hunting with a LAP controlled hunt tag may hunt only within the boundaries described in the LAP controlled hunt area. Bag and possession limits set forth in IDAPA 13.01.08, ~~"Rules Governing Taking of Big Game Animals," Section 200,~~ apply to holders of LAP controlled hunt tags. (3-31-22)()

401. – 499. (RESERVED)

500. NONRESIDENT DEER AND ELK TAG OUTFITTER SET-ASIDE AND ALLOCATED TAGS.

01. **Restrictions.** Allocated ~~F~~ tags for use in general and controlled hunts will be ~~sold on a first come,~~

~~first-serve basis through July 14 of each year~~ made available to outfitted hunters pursuant to IDAPA 24.35.01.257.
Tag Application for tag purchase will be made by the outfitter for the outfitted hunter on a form prescribed by the Department along with the appropriate license fees and certification that the hunter has a contract to hunt with the outfitter making application. (7-1-24)()

02. ~~Unsold Tags~~ Designated Buyers. ~~Any tags not sold by July 15 of each year will be sold by the Department to nonresidents on a first come, first serve basis. Buyers of allocated tags, who return their unused tag with a notarized affidavit stating they have not hunted, may designate another outfitted hunter to buy 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, and the original buyer will not be eligible for a refund from the Department.~~ (3-31-22)()

501. – 504. (RESERVED)

505. APPORTIONMENT OF DEER AND ELK TAG ALLOCATIONS.

The Commission will apportion non-allocated and allocated tags only for those areas with historic use by outfitted deer and/or elk hunters. The Commission may use this subsection or the allocated tag provisions of Section 36-408, Idaho Code, to set the number of allocated tags in capped hunts, NRL hunts, and controlled hunts for which residents apply. ()

01. ~~Allocation of Tags for Capped General Hunt Units or Zones.~~ Pursuant to Section 36-408, Idaho Code, the Commission may allocate a number of deer and/or elk tags for use by hunters with signed agreements with licensed outfitters in units or zones with limited numbers of tags. The Commission may use this subsection or the allocated tag provisions of Section 36-408, Idaho Code, to allocate outfitter tags in capped general hunt units or zones. (3-31-22)

~~a.~~ When the number of hunters in a general hunt unit or zone becomes restricted, the Commission sets a capped hunt for the first time, the Department will calculate the initial number of allocated tags for each zone using the Idaho Outfitters and Guides Licensing Board's records of unit or average historic tag use percentages during the previous five (5) year period for each unit or zone for three categories: non-outfitted residents, non-outfitted nonresidents, and outfitted hunters. As long as the zone or unit is a capped general hunt, the Department will apply these percentages to apportion tags for the hunt proportionally among non-allocated resident tags, non-allocated nonresident tags, and allocated tags. Where it is biologically feasible, any proportional reductions in the number of allocated tags available within a zone or unit that exceed 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, with the differential to be deducted from the apportionment for non-allocated nonresident tags. (3-31-22)()

~~b.~~ The allocation of tags will be calculated on a unit or zone basis. Any reduction or increase in hunting opportunities will be proportionate among non-outfitted hunters and outfitted hunters, and will be proportionate among resident and non-resident hunters; EXCEPT where such reduction would result in an allocation of greater than twenty-five percent (25%) for non-resident hunters, the Commission may reduce the allocation for non-resident hunters to a percentage of not less than twenty-five percent (25%). (3-31-22)

02. ~~Allocation of Tags for Controlled Hunt Areas.~~ The Commission may only allocate outfitter tags in controlled hunt areas with historic licensed deer and/or elk outfitted area(s). For controlled hunts for which residents apply, the Commission will apportion allocated tags as an outfitter-allocated controlled hunt separate from the controlled hunt for non-allocated tags based on the total tag numbers determined for the controlled hunt area. Hunt application and eligibility rules will apply to allocated tags in controlled hunts. The Commission may set allocated tag numbers as follows, or under Section 36-408, Idaho Code. (3-31-22)()

~~a.~~ The number of outfitter allocated tags will be in addition to the number of tags authorized by the Commission within each controlled hunt area with historic licensed deer and/or elk outfitter areas. (3-31-22)

~~b.~~ A person is not eligible to apply for an outfitter allocated controlled hunt unless that person has a written agreement with an outfitter licensed in the hunt area. Successful applicants of an outfitter allocated controlled hunt must hunt with an outfitter licensed for the hunt area. The outfitter must purchase the successful applicant's

~~controlled hunt tag by August 20.~~

~~(3-31-22)~~

~~e. Successful applicants who do not want to participate in the outfitted hunt may decline the hunt upon written notification to the Department. Those declining the hunt will then be eligible to participate in a general season or leftover controlled hunt. Those drawing an outfitted controlled hunt and then declining the controlled hunt will be subject to any applicable waiting period under IDAPA 13.01.08, "Rules Governing Taking of Big Game Animals," Section 257.~~

~~(3-31-22)~~

~~d. Successful applicants that do not secure the services of an Idaho licensed outfitter and have not purchased the controlled hunt tag by August 20 will forfeit the opportunity to purchase a controlled hunt tag. The forfeited controlled hunt tag will then be listed as a leftover controlled hunt tag. The Department will inform the Idaho Outfitters and Guides Board that a leftover controlled hunt tag is available. After securing a client, the outfitter(s) may then purchase the leftover controlled hunt tag at a Department office.~~

~~(3-31-22)~~

~~e. The Commission may use this subsection or the allocated tag provisions of Section 36-408, Idaho Code, to allocate outfitter tags in controlled hunt areas:~~

~~(3-31-22)~~

~~i.a. No less than one (1) tag and no more than three percent (3%) of the total tags; or~~ (3-31-22)

~~ii.b. A number based on the average historic use during the previous five (5) year period to be rounded up when a decimal equals or exceeds zero point six (0.6) and rounded down when a decimal is less than zero point six (0.6); or~~ (3-31-22)

~~iii.c. An unlimited number of allocated tags or a number of allocated tags based on historic use as alternatives only for controlled hunt areas with limited nonresident tags and unlimited resident tags; or~~ (3-31-22)

~~iv.d. No tags will be allocated.~~ (3-31-22)

~~506. DEER AND ELK TAG ALLOCATION IN GENERAL HUNTS LIMITED FOR NONRESIDENTS ONLY.~~

~~043. Tag Allocation~~ Tags for NRL Hunts. ()

~~a. When setting annual or biennial limits for general hunt deer or elk tags available to nonresidents without resident limits, in zones, units, or other hunt areas with historic outfitted hunter use in NRL hunts, the Commission will first allocate, on a corresponding biennial or annual basis, set the number of allocated tags reserved for outfitted hunters equal to the Initial Tag Use Number determined under this Section 506. The Commission will subtract the number of tags so allocated from the nonresident tag limit. Subject to a maximum of fifty percent (50%) of the remaining nonresident tag limit, the Commission will allocate an additional increase the number of allocated tags reserved for outfitted hunters corresponding to the number by which the higher tag number from the Two-Year Verified Outfitter Use History exceeds the Initial Tag Use Number for the hunt area. The number of tags remaining in the nonresident limit after subtracting the Initial Tag Use Number, and any additional tags allocated under this section, will be available for purchase as non-allocated tags by outfitted or non-outfitted hunters.~~ (4-6-23)()

~~024. Initial Tag Use Number.~~ (4-6-23)

~~a. For general hunts first limited for nonresidents while unlimited for residents in 2021 or subsequent years, the Initial Tag Use Number for outfitted hunters is the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022, or the two (2) years immediately preceding the first year the hunt area is limited, whichever period is later.~~ (4-6-23)

~~b. The Commission will increase the Initial Tag Use Number for a deer unit subject to a fifty percent (50%) restriction for allocated tag limits in 2021-2022, corresponding to the reduction in outfitted hunter use demonstrated by outfitter(s).~~ (4-6-23)

~~c. If general hunt tags are allocated under this Section 506 for elk zones capped for all hunters before 2021, the Initial Tag Use Number will be the number determined to be historic outfitted hunter use at the time of prior~~

capping, if greater than the otherwise applicable Two-Year Verified Outfitter Use History. (4-6-23)()

d. The Initial Tag Use Number will remain the same for the zone, unit, or hunt area for subsequent consecutive years in which nonresident tag limits apply. (4-6-23)

507. ~~DEER AND ELK ALLOCATED TAGS.~~

01. ~~Distribution of Allocated Tags.~~ Application for allocated tags will be made by the outfitter for the outfitted hunter, in accordance with tag designation by the Idaho Outfitters and Guides Licensing Board under Section 36-2107, Idaho Code, on a form prescribed by the Department, and with outfitter's certification that a written agreement exists between the outfitter and outfitted hunter for the tag applied for. (4-6-23)

02. ~~Designated Buyers.~~ Purchasers of allocated tags, who return their unused tag with a notarized affidavit stating that they have 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. (4-6-23)

03. ~~Unsold Tags.~~ Any allocated tags not sold by August 1 of each year will be sold by the Department on a first come, first served basis. (3-31-22)

508~~7~~. – 549. (RESERVED)

550. NONRESIDENT DEER AND ELK TAG QUOTAS.

01. General Hunt Tag Quotas. The following number of general hunt tags will be set aside annually and reserved for sale to nonresidents: (3-31-22)

a. ~~Fourteen~~**Fifteen** thousand ~~five hundred~~ (~~44,150~~**50,000**) total deer tags (~~combination of~~ regular and white-tailed deer tags); (3-31-22)()

b. Twelve thousand eight hundred fifteen (12,815) total elk tags (A and B tags); (3-31-22)

~~c. One thousand five hundred (1,500) white-tailed deer tags, available only upon sell out of deer tags referenced in Subsection 550.01-a.~~ (3-31-22)

02. Disabled American Veteran Hunt Tag Quotas. The following number of disabled American veteran general hunt tags will be set aside annually and reserved for sale to eligible nonresidents. (3-31-22)

a. Five hundred (500) total disabled American veteran deer tags (regular and white-tailed deer tags); (3-31-22)

b. Three hundred (300) total disabled American veteran elk tags (A and B tags). (3-31-22)

03. Exceptions. Tag sales to the following persons will not be counted in the quotas in Section 550-~~of~~ **these rules:** (3-31-22)()

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~~ **buy** a resident license. (3-31-22)()

~~b. Designated Buyers of unused nonresident tags to which the quota has already applied: an unused nonresident general hunt deer or elk tag, accompanied by a notarized affidavit stating that the tag buyer has not hunted, may be designated to another nonresident for purchase at the regular tag price, by the original buyer or an outfitter or guide retained by the original buyer, or absent such designation, may be sold by the Department on a first come, first serve basis.~~ (3-31-22)

~~c.~~ **eb.** Holders of resident lifetime license certificates who are no longer Idaho residents. (3-31-22)

~~dc.~~ Holders of nonresident junior mentored tags. (3-31-22)

551. – 559. (RESERVED)

560. ~~SALE OF UNSOLD NONRESIDENT GENERAL DEER AND ELK TAGS AS SECOND TAGS~~ LEFTOVER TAG SALES.

01. Controlled Hunt Tags. Beginning on the published date for leftover tag sales, any leftover non-allocated controlled hunt tag, except unlimited controlled hunt tags, may be sold as leftover controlled hunt tags on a first-come, first served basis. The ten percent (10%) nonresident limitation will not apply. Applicants for leftover tags with a tag already in possession must return their tag to the Department to be exchanged for the appropriate controlled hunt tag, except where the Commission has authorized by proclamation possession of the additional tag. ()

02. Outfitter Set-Aside and Nonresident Deer and Elk Tags. Any outfitter set-aside (including allocated tags) or nonresident general deer or elk tags unsold or returned to the Department on or after by August 1 may be sold to residents and to nonresidents as a second general hunt tag, at the nonresident tag price on a date specified by the Department. Unless the Commission has limited the use of second tags in a unit or zone by proclamation, a resident may buy a second tag for an elk zone where a nonresident limit has been reached if the zone is unlimited to residents, and a resident may use a second regular or white-tailed deer tag in any unit in the same manner as a first resident general hunt tag. (3-31-22)()

561. – 600. (RESERVED)

601. ~~REFUNDS TO NONRESIDENTS~~ AND EXCHANGES.

The Department will not refund any fee for any resident or nonresident license (as defined in Section 36-202(aa), Idaho Code), except as follows, and provided the refund request is in writing, is accompanied by the original license and tag, and is received or postmarked on or before December 31 of the calendar year in which the license was valid, except in the event of death of the licensee, which must be submitted within one (1) year of the death. (3-18-22)()

01. Refund Eligibility. Nonresident general or controlled hunt deer or elk tag fees and hunting license fees may be refunded due to the death of licensee; illness or injury of licensee that totally disabled the licensee for the entire length of any applicable hunting season; or military deployment of licensee due to an armed conflict; as substantiated by death certificate, published obituary, written justification by a licensed medical doctor, copy of military orders, or similar documentation. 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 fees, less all issuance fees and a fifty dollar (\$50) processing fee. (3-18-22)()

a. The holders of general or controlled hunt deer, elk, pronghorn, moose, bighorn sheep, or mountain goat tag fees and hunting license fees are eligible for refund due to the death of licensee as substantiated by death certificate, published obituary; pregnancy of the tag holder with written confirmation from a licensed medical provider; or illness or injury of licensee that totally disabled the licensee for the entire length of any applicable hunting season with written justification by a licensed medical provider. Hunting license and tag fees will not be eligible for refund if used for hunting at any time during the validity of the license and/or tag. ()

b. Controlled hunt application fees and special controlled hunt application fees are nonrefundable. ()

c. Fees for adult controlled hunt tags subsequently designated to a minor child or grandchild are not refundable. ()

02. Amount Refunded. Refunds to residents under this section will be the amount of the applicable tag and hunting license, less all issuance fees. Refunds to non-residents will be the amount of the applicable tag and hunting license fees, less all issuance fees and a fifty dollar (\$50) processing fee. ()

03. Junior Mentored Refund. If the parent or legal guardian of an individual in possession of a Junior Mentored deer or elk tag is eligible for a refund pursuant to this section, the junior mentored tag holder will be eligible for the same refund options. ()

024. Partial Refund. Nonresident general and controlled hunt deer or elk tag fees may be partially refunded for a reason other than those in the preceding subsection based on the postmark date in the below table. The hunting license fee will not be refunded.

Postmarked	Percent of Tag Fee Refunded
Before ~~April~~ <u>may</u> 1	75%
In ~~April~~ <u>may</u> through June	50%
In July ~~and August~~	25%
~~September~~ <u>August</u> through December	0%

(3-18-22)()

05. Exchanges. Tags may be exchanged for a different tag of the same species provided the tag season has not started, there are tags available in the desired unit or zone, and subject to species-specific dates. Regular and white-tailed deer tags are considered the same species for purposes of exchange. ()

a. Deer and Elk Tags. Deer and elk general season or NR Draw Hunt tags may be exchanged for a tag in a different unit or zone of the same species until July 31 of each calendar year, provided there are tags available in desired unit or zone. Controlled hunt tags may be exchanged for a general season or leftover tag provided there are tags available in the desired unit or zone and the controlled hunt tag season has not started. ()

036. Department Administrative Error. The Department ~~will~~ may refund fees ~~when if~~ it determines that ~~a Department employee~~ the Department or other license vendor made an error in the issuance of the license. ()

(3-18-22)()

07. Widespread Environmental Incidents Refund. The Department may provide a refund of a resident or nonresident moose, bighorn sheep, or mountain goat tag if an Administrative Closure is enacted by a land agency due to a natural disaster or widespread environmental incident, that limits public access by fifty percent (50% or more) during fifty percent (50%) or more of the tag season. ()

08. Subsequent Year Hunt Eligibility. Individuals who receive refunds under this section will be eligible for applications in subsequent years as if they had not applied for the refunded tag. ()

09. Overpayment of mailed payments. Overpayment of more than five dollars (\$5) for payments sent by mail will be refunded. Because of processing costs, overpayments of five dollars (\$5) or less will NOT be refunded and will be retained by the Department. ()

602. SPECIAL MILITARY DEPLOYMENT REFUND AND RAIN CHECK.

01. ~~Special Refund and Rain Check.~~ ~~This special refund and rain check rule applies to the appropriate calendar year hunting season. Because of military deployment, some persons will be unable to hunt big game animals for which they purchased tags.~~ (3-31-22)

021. Special Refund and Rain Check Eligibility. Holders of **big game** tags who can show in good faith they could not participate in ~~hunting activities~~ the hunt due to military deployment ~~will be~~ are eligible for a refund or rain check for license and tags for the next calendar year hunting season as outlined in this rule. (3-31-22)()

032. Tag Options. Holders of a general season or controlled hunt tag for deer, elk, moose, bighorn

sheep, or mountain goat may request: (3-31-22)

- a. A refund of the hunting license and tag fee; (3-31-22)
- b. A rain check for a hunting license and the same general or controlled hunt tag for the same species for the next calendar year hunting season; or (3-31-22)
- c. For deer and elk only, an exchange in the calendar year for a general season tag for the same species in another zone or area so long as tags are available in that area or zone. (3-31-22)

~~04. Nonresident Bear or Mountain Lion Tags. Holders of nonresident bear or mountain lion tags may request:~~ (3-31-22)

- ~~a. A refund of the hunting license and tag fee; or (3-31-22)~~
- ~~b. A rain check for a hunting license and tag for the next calendar year hunting season. (3-31-22)~~

~~053. Ineligible to Request Tag Refund or Rain Check.~~ If the person hunts a species of wildlife before requesting a refund or rain check, then the tag fee for that species will not be refunded or eligible for a rain check for the next calendar year season. A person is not eligible to request a raincheck of a tag that was approved for a raincheck in the prior year. (3-31-22)()

~~064. Ineligible to Request License Fee Refund or Rain Check.~~ If the person hunts for any species during the applicable year before requesting a refund or rain check, then the hunting license fee will not be refunded or eligible for a rain check for the next calendar year ~~season.~~ (3-31-22)()

~~07. Refunds Will Be for the Amount Paid.~~ All refunds will be for the amount the person paid for the hunting license or tag. (3-31-22)

~~085. Use of Department Approved Form for Rain Check or Refund Request Form.~~ Requests for a refund or rain check under this section will be made on the Department-approved form ~~(found on Idaho Fish and Game website at <http://fishandgame.idaho.gov/>), available on the Department website,~~ on or before December 31 of the calendar year in which the license and tags were valid, along with a copy of deployment papers, or a letter from their commanding officers stating the dates the individual was deployed for duty. Those requests received after this date will not be eligible for the ~~special~~ refund or rain check. (3-31-22)()

603. – 699. (RESERVED)

700. BIGHORN SHEEP AUCTION TAG.

01. **Eligibility.** Only persons eligible to ~~purchase~~ buy an Idaho hunting license are eligible to bid on the bighorn sheep auction tag. (3-31-22)()

02. **Validity of Tag.** The Bighorn Sheep Auction Tag is valid for use only in controlled hunts open in the year purchased. The Bighorn Sheep Auction Tag will be valid in ~~Controlled Hunt Area 11~~ controlled hunts in Game Management Units 11, 13, and 18 only during odd-numbered years ~~and during even-numbered years when the Bighorn Sheep Lottery Tag holder chooses not to hunt in Controlled Hunt Area 11.~~ (3-31-22)()

03. **License and Controlled Hunt Tag.** (3-31-22)

a. A hunting license and controlled hunt tag will be provided to the successful bidder from the net proceeds of the auction. (3-31-22)

b. The successful bidder for the Bighorn Sheep Auction Tag must file a notarized affidavit within fifteen (15) days of the successful bid if the hunting license and tag are to be designated to another individual. (3-31-22)

04. Application of Big Game Rules. All rules governing ~~IDAPA 13.01.08, “Rules Governing Taking of Big Game Animals,”~~ apply to the eligible and successful bidders other than as specified herein. ~~(3-31-22)()~~

a. No successful bidder is eligible to apply for a bighorn sheep controlled hunt tag the same year the bidder is issued a Bighorn Sheep Auction Tag. (3-31-22)

b. Bighorn sheep auction tag recipients are exempt from the once-in-a-lifetime restrictions on killing bighorn sheep. (3-31-22)

701. GOVERNOR’S WILDLIFE PARTNERSHIP TAGS.

01. Application of Big Game Rules. All rules in ~~IDAPA 13.01.08, “Rules Governing Taking of Big Game Animals,”~~ apply to recipients of Governor’s Wildlife Partnership Tags other than as specified in this section. ~~(3-31-22)()~~

02. Eligibility. (3-31-22)

a. Only persons eligible to ~~purchase~~ buy an Idaho hunting license are eligible to bid on a Governor’s Wildlife Partnership Tag. ~~(3-31-22)()~~

b. A person is eligible to receive only one (1) Governor’s Wildlife Partnership Tag in a calendar year. (3-31-22)

c. There is no waiting period for eligibility for Governor’s Wildlife Partnership Tags for elk, deer, or pronghorn. (3-31-22)

03. Validity of Tag. Each Governor’s Wildlife Partnership Tag is valid for one (1) designated species annually and within the timeframe and area prescribed by the Commission. (3-31-22)

04. License and Controlled Hunt Tag. (3-31-22)

a. A hunting license and controlled hunt tag will be provided to the successful bidder from the net proceeds of the Governor’s Wildlife Partnership Tag auction. (3-31-22)

b. The successful bidder for a Governor’s Wildlife Partnership Tag must file a notarized affidavit within fifteen (15) days of the successful bid if the hunting license and tag are to be designated to another individual. (3-31-22)

c. If a recipient of a Governor’s Wildlife Partnership Tag draws a controlled hunt tag for that species for the same year, the controlled hunt tag is voided and the tag fee will be refunded upon the return of the tag to the Department, unless the tag is a ~~controlled~~ depredation hunt tag or a controlled hunt extra tag. The recipient of a Governor’s Wildlife Partnership Tag may ~~purchase~~ buy second, extra, or leftover tags if a holder of a controlled hunt tag for deer, elk, or pronghorn is allowed to do so under ~~IDAPA 13.01.08, “Rules Governing Taking of Big Game Animals.”~~ ~~(3-31-22)()~~

d. Any person who receives a Governor’s Wildlife Partnership Tag for bighorn sheep, mountain goat or moose, and who is otherwise eligible to apply for a deer, elk or pronghorn controlled hunt tag, and who draws such a tag, will be allowed to hunt for those species during the same year the Governor’s Wildlife Partnership Tag is valid. (3-31-22)

702. – 799. (RESERVED)

800. BIGHORN SHEEP LOTTERY TAG.

01. Eligibility. (3-31-22)

a. Only persons eligible to ~~purchase~~ buy an Idaho hunting license are eligible to ~~purchase~~ buy tickets

for the Bighorn Sheep Lottery Tag. "Tickets" for the Lottery Tag are hunt applications and are not transferable. A person may submit an application for another eligible individual. (3-31-22)()

b. If any person is drawn for the Bighorn Sheep Lottery Tag and has already been drawn for a bighorn sheep controlled hunt tag for the same year, the controlled hunt tag will be voided and the tag fees refunded after return of the earlier drawn tag to the Department. ~~The Lottery Tag is valid to hunt bighorn sheep in the year drawn.~~ (3-31-22)()

02. Validity of Tag. ~~The Bighorn Sheep Lottery tag is valid for use only in controlled hunts open in the year drawn.~~ The Bighorn Sheep Lottery Tag will be valid in ~~Controlled Hunt Area in controlled hunts in Game Management Units, 11, 13, and 18~~ only during even-numbered years ~~and during odd-numbered years when the Bighorn Sheep Auction Tag holder chooses not to hunt in Controlled Hunt Area 11.~~ (3-31-22)()

03. Tag. (3-31-22)

a. A hunting license (if needed) and a controlled hunt tag will be provided to the eligible person drawn for the Lottery Tag from the net proceeds. (3-31-22)

b. The Bighorn Sheep Lottery Tag will only be issued to the eligible person whose name appears on the application drawn for the tag, and will not be issued to another individual. (3-31-22)

04. Application of Big Game Rules. All rules in IDAPA 13.01.08, ~~"Rules Governing Taking of Big Game Animals,"~~ apply to Lottery Tag applicants and the Tag recipient, other than as specified herein. (3-31-22)()

a. Bighorn Sheep Lottery Tag recipients are exempt from the once-in-a-lifetime restrictions on killing bighorn sheep. (3-31-22)

b. Any person who wins a Bighorn Sheep Lottery Tag, and who is otherwise eligible to apply for a deer, elk, or pronghorn controlled hunt tag and who has drawn such a tag, will be allowed to hunt for those species during the same year the Bighorn Sheep Lottery Tag is valid. (3-31-22)

801. SPECIAL CONTROLLED HUNTS (SUPER HUNT PROGRAM).

01. Special Controlled Hunt Program. ~~The Special Controlled Hunt Program (Super Hunt Program) is a program to partially fund a sportsman access program adopted by the Commission. This program will offer forty (40) tags valid for the current year hunting seasons; including, twelve (12) tags each for elk, deer, and pronghorn, and four (4) tags for moose.~~ ()

02. Tags. ~~Each special controlled hunt tag is valid for the designated species and allows the holder to hunt in any open hunt, general or controlled, for the designated species in the applicable year's season.~~ ()

03. Moneys. ~~The Department will deposit all moneys received from the sale of Special Controlled Hunt Applications in accordance with state law. The Department will specifically use funds for the sportsman access program.~~ ()

04. Applications. ()

a. ~~Tags may be made available for application on an individual species basis (Super Hunt) or grouped for combined species (Super Hunt Combo).~~ ()

b. ~~Application fees will be set by Commission Order under Section 36-415, Idaho Code, or will be the same as the controlled hunt fee set in Section 36-416, Idaho Code.~~ ()

c. ~~Application may be made on a form prescribed by the Department or submitted electronically at any Department Office or license vendor, via Internet or telephone.~~ ()

d. Any individual, resident or nonresident, may buy and submit applications for the special controlled hunt program without limit. Restrictions on controlled hunt eligibility based on prior application or harvest set forth in Section 320, of these rules, do not apply to applications for the special controlled hunt program. ()

e. Applications may be entered in the name of individuals other than the buyer. A tag may only be awarded to the individual named on the application and cannot be transferred or designated to another person. ()

f. Any application that is unreadable or lacks the 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. ()

g. Applicants must have or be eligible to obtain a valid Idaho hunting license to be eligible for tags. ()

05. Drawings. ()

a. Tags will be issued to eligible applicants selected by an impartial random draw process. ()

b. There will be two (2) drawings each year, on June and August dates identified in Commission big game proclamation. Applications received at the Licenses Section, Headquarters Office, Idaho Department of Fish and Game, PO Box 25, Boise, Idaho 83707-0025, or submitted electronically, by no later than 11:59 pm Mountain time May 31 of the current calendar year will be eligible only for the first drawing held in June; and those received after May 31 and by no later than 11:59 pm Mountain time, August 10, of the current calendar year will be eligible only for the second drawing held in August. Applications received after August 10 will be eligible for the drawing held in June of the following year. ()

c. Should the applicant drawn be ineligible, deceased, or incapacitated to hunt, the first alternate drawn will be declared the winner. Should the first alternate be ineligible, deceased or incapacitated to hunt, the second alternate drawn will be declared the winner. Should the second alternate be ineligible, deceased or incapacitated to hunt, that special controlled hunt tag will be null and void and will not be issued to any person. ()

d. An applicant drawn for the Super Hunt Combo is not eligible for any other Super Hunt Tag in the same year. ()

e. An applicant drawn for an individual species Super Hunt Tag is not eligible for any other Super Hunt tag for that species in the same year. ()

06. Effect on Eligibility. ()

a. The special controlled hunt tag will be in addition to any other tag the person is eligible to obtain. ()

b. Any applicant, including those who harvest an animal on a special controlled hunt tag, will be eligible to apply for any controlled hunt for the same species in the same year or subsequent years. ()

804~~2~~ – 899. (RESERVED)

900. CHILDREN WITH SPECIAL NEEDS BIG GAME TAG.

01. Availability. The Department will make up to five (5) big game tags available for children with life threatening medical conditions each year. (3-31-22)

a. Each special needs tag will be valid for a controlled hunt, as selected in the application, for one (1) of the following species: deer, elk, pronghorn, black bear, or mountain lion. Controlled hunts with fewer than ten (10) tags, as authorized by Commission proclamation, are not available for selection. If multiple applications under section 900 and 901 select the same controlled hunt in a given year, the director has discretion to require selection of

a different controlled hunt to maintain hunt quality. ()

~~a.b.~~ Any of the five (5) big game tags described in Section 901 that has not been issued by July 15 each year may also be available for ~~children with life threatening conditions~~ use as a special needs big game tag. (3-31-22)()

02. Eligibility. A special needs big game tag will only be issued to a resident or nonresident minor (seventeen (17) years of age or younger) with a life-threatening medical condition as certified by a qualified and licensed physician, and who is sponsored by a qualified organization defined in Section 36-408(6), Idaho Code. ()

a. Minimum age, hunter education, and license requirements are waived for individuals applying for or receiving a special needs big game tag. (3-31-22)()

~~**03. Validity of Tag.** Each special needs tag will be valid for only one (1) of the following species: deer, elk, pronghorn, moose, black bear, or mountain lion.~~ (3-31-22)

~~**a.** The special needs tag is valid in any open hunt, controlled or general, as provided by Commission proclamation, EXCEPT the use of the special needs tag is restricted from use in any Controlled Hunt with less than five (5) controlled hunt tags.~~ (3-31-22)

~~**b.** Applicants may only receive one (1) special needs tag in a lifetime.~~ (3-31-22)

~~**e03. Companion.** In exercising hunting privileges, the recipient of a special needs tag must be accompanied by an adult in possession of a valid Idaho big game hunting license.~~ (3-31-22)()

04. Application. Applications will be on a form as prescribed by the Department. (3-31-22)

a. Applications will only be considered from eligible nonprofit organizations. For drawing eligibility, the Department must receive an application between January 2 through January 31, inclusively, of the calendar year for the hunt. (3-31-22)

b. Applications received by the Department after January 31 may be considered on a first-come basis if there are not sufficient, eligible applications. (3-31-22)()

c. A copy of the nonprofit organization's IRS determination letter must accompany the application. (3-31-22)

d. A document approved by the department which certifies the minor child has a life-threatening medical condition, signed by a licensed medical. ()

05. Fees. All fees associated with applying for and receiving a special needs tag, including fees for any associated Disabled Persons Motor Vehicle Hunting Permit or Disabled Archery Permit, are waived. (3-31-22)

06. Random Draw. Eligible applications will be randomly drawn for tag issuance if the number of applications exceeds the number of tags available. (3-31-22)

07. Nonresident Tag Limitation. Not more than one (1) special needs tag will be issued to a nonresident, unless there are insufficient applications for resident applicants. (3-31-22)

901. DISABLED VETERANS SPECIAL BIG GAME TAG.

01. Availability. The Department will make five (5) big game controlled hunt tags available for disabled veterans, of which two (2) tags will be designated to the Idaho Division of Veterans Services. (3-31-22)()

a. Each disabled veterans special big game tag will be valid for a controlled hunt, as selected in the

application, for one (1) of the following species: deer, elk, pronghorn, black bear, or mountain lion. Controlled hunts with fewer than ten (10) tags, as authorized by Commission proclamation, are not available for selection. If multiple applications under Section 900 and 901 select the same controlled hunt in a given year, the director has discretion to require selection of a different controlled hunt to maintain hunt quality. ()

~~a.b.~~ Any of the five (5) big game tags described in Section 900 that has not been issued by July 15 each year may also be available for use as a disabled veterans special big game tag. (3-31-22)()

02. Eligibility. A disabled veterans special big game tag will only be issued to a disabled veteran, as certified by the Idaho Division of Veterans Services, who is sponsored by a qualified organization defined in Section 36-408(7), Idaho Code. (3-31-22)

a. A disabled veteran does not need a hunting license or hunter education to apply for or receive a disabled veterans special big game tag. (3-31-22)

b. An individual ~~may is~~ only eligible to receive one (1) disabled veterans special big game tag in a lifetime. (3-31-22)()

~~**03. Validity of Tag.** Each disabled veterans special big game tag will be valid for only one (1) of the following species: deer, elk, pronghorn, moose, black bear, or mountain lion. The disabled veterans special big game tag will be valid for use in any general or controlled hunt open for that species, EXCEPT for those Controlled Hunts with fewer than five (5) controlled hunt tags, as authorized by Commission proclamation.~~ (3-31-22)

~~**a.** Applicants may only receive one (1) disabled veterans special big game tag in a lifetime.~~ (3-31-22)

~~**043. Application.** Applications will be on a form as prescribed by the Director.~~ (3-31-22)

a. Applications will only be considered from an eligible nonprofit organization or governmental agency. For drawing eligibility, the Department must receive the application between January 2 through January 31, inclusively, of the calendar year for the hunt. (3-31-22)

b. Applications received by the Department after January 31 may be considered on a first come basis if there are not sufficient eligible applications. (3-31-22)()

c. A copy of the nonprofit organization's IRS determination letter must accompany the application. (3-31-22)

~~**054. Fees.** All fees associated with applying for and receiving a disabled veterans special big game tag, including any associated Disabled Persons Motor Vehicle Hunting Permit or ~~Disabled Archer Permit~~ Reasonable Modification Permit, are waived.~~ (3-31-22)()

902. – 949. (RESERVED)

950. DESIGNATION OF CONTROLLED HUNT TAGS TO CHILDREN.

01. Designation ~~by Residents.~~ Any ~~resident individual~~ who possesses any turkey or big game controlled hunt tag except a moose, bighorn sheep, mountain goat, or grizzly bear tag, ~~or who possesses a turkey controlled hunt tag,~~ may designate that tag to that person's ~~resident~~ minor child or grandchild who is: ()

~~**a.** e~~Eligible to participate in the hunt: and ()

~~**b.** Has the same residency status as the original tag holder.~~ (3-31-22)()

~~**02. Designation by Nonresidents.** Any nonresident who possesses any big game controlled hunt tag except a moose, bighorn sheep, mountain goat, or grizzly bear tag, or who possesses a controlled hunt turkey tag, may designate that tag to that person's nonresident minor child or grandchild who is eligible to participate in the hunt.~~ (3-31-22)

032. **Applicability of Controlled Hunt Rules.** Rules for controlled hunt application eligibility, tag claim deadline, and tag use for the hunt apply to the adult who possesses and designates a controlled hunt tag and to the designated minor child or grandchild. ~~Rules for application for controlled hunt tags apply to the adult who possesses and designates a controlled hunt tag to his or her minor child or grandchild.~~ Mandatory education requirements will apply to the designated minor child or grandchild. (3-31-22)()

043. **Form.** Designation of the controlled hunt tag shall be made submitted on a form prescribed by the Department ~~and may be submitted either in person to any Department Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707.~~ (3-31-22)()

054. **Children.** Any resident child or grandchild cannot be designated more than one (1) controlled hunt tag, and one (1) extra hunt tag, per species per calendar year. (3-31-22)()

065. **Date for Designation.** A person may only designate a tag under this section before the opening date for the hunt for which the tag would be used. (3-31-22)

951. – 999. (RESERVED)

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.08 – RULES GOVERNING TAKING OF BIG GAME ANIMALS

DOCKET NO. 13-0108-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections [36-104](#), [36-405](#), [36-408](#), [36-409](#), and [36-1101](#), 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 15, 2025.

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 rulemaking concerns the comprehensive review of current IDAPA 13.01.08, “Rules Governing Taking of Big Game,” in compliance with [Executive Order 2020-01](#). The agency has identified some technical, duplicative, obsolete, and non-substantive modifications to be evaluated for integration. The agency has evaluated content of this chapter and [IDAPA 13.01.04](#), “Rules Governing Licensing,” and to streamline, has moved relevant content that specifically addresses big game to 13.01.08 from 13.01.04 and content that addresses general licensing topics from 13.01.08 to 13.01.04.

The agency has added provisions to enable electronic tagging for big game animals; added a new Centerfire Open Sights Only special weapons season; removed language regarding draw length and let off percentage language; added language comprised of recommendations from the Hunting and Advanced Technology Working Group, staff contributions and public comments which includes prohibition of thermal imaging, night vision technology, transmitting trail cameras, and any aircraft for big game scouting or hunting between August 1 to December 31; changed use restrictions date under the motorized hunting rule from December 31 to November 14 and removed use restrictions from units 30, 30A, 36A, 37, 47, 49, 70 and 72; and under use of bait, removed plastic from prohibited container material, modified language regarding number of bait sites allowed on land management agency land, and included language reauthorized by temporary rule regarding use of bait by a grizzly bear and the need to report and pull bait.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2024 Idaho Administrative Bulletin, [Volume 24-5, pages 190-191](#).

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

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 22, 2025.

DATED this 4th day of August, 2025.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771
Email: [Comment Here](#)

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0108-2401
(ZBR Chapter Rewrite.)

13.01.08 – RULES GOVERNING TAKING OF BIG GAME ANIMALS

000. LEGAL AUTHORITY.

Sections 36-104(b), 36-201, 36-405, 36-408, 36-409, and 36-1101, Idaho Code, ~~authorize the Commission to adopt rules concerning taking of big game animals.~~ (3-31-22)()

001. ~~TITLE AND SCOPE.~~

~~The title of this chapter for citation is IDAPA 13.01.08, “Rules Governing Taking of Big Game Animals.”~~ These rules govern the taking of big game animals. (3-31-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Bait (Hunting). Any substance placed to attract big game animals, including but not limited to food, salt in liquid or solid form, or natural scent. Synthetic liquid scent for deer, elk, or moose is excluded from this definition. ()

042. Established Roadway. Any road established, built, maintained, approved or designated by any governmental entity or private landowner for travel by full-sized automobiles. An established roadway shows evidence of repeated use by full-sized automobiles, and may include a traveled way of natural earth with depressed wheel tracks and little or no vegetation in the wheel tracks. (3-31-22)

023. Front Quarters, Hind Quarters, Loins, and Tenderloins. As applied in Section 36-1202, Idaho Code, for edible portions of big game animals, front quarters ~~of big game animals~~ include the meat surrounding the ball joint as far down as the knees, hind quarters include the meat surrounding the ball joint as far down as the hock, and the loins and tenderloins are the meat along the backbone. (3-31-22)()

034. Full-sized Automobile. Any motorized vehicle with a gross weight in excess of one thousand five hundred (1,500) pounds. (3-31-22)

045. Hunter. A person engaged in the activity of hunting, as defined in Section 36-202, Idaho Code. (3-31-22)

056. Motorized Vehicle. As defined in Section 36-202, Idaho Code. (3-31-22)

07. Verifier. A small lens that is inserted into a peep sight to help archers and shooters focus on the sight. ()

011. -- 199. (RESERVED)

200. BAG AND POSSESSION LIMITS.

No person may take more ~~than one (1) deer, elk, pronghorn, moose, bighorn sheep, mountain goat, black bear, or gray wolf big game animals~~ during a calendar year than the number of tags the person legally possesses for the species. Unless otherwise provided by statute, proclamation, or rule, a person may not take more than one (1) of any big game species, with bag and possession limits for “deer” applying to white-tailed and mule deer collectively and not separately except: (3-31-22)()

01. Depredation Hunts. ~~One (1) additional deer, elk, pronghorn, black bear, or gray wolf may be taken by persons holding a depredation hunt tag for that hunt, except where the depredation hunt precedes or follows a controlled hunt in the area, persons who drew that controlled hunt may be selected to participate in the depredation hunt in accordance with Section 800. Such persons must follow the weapon restrictions that apply to the controlled hunt they drew, and participation in the depredation hunt does not allow them to take a second animal.~~ (3-31-22)

021. Extra Tag Hunts. ~~In extra tag~~ When Commission proclamation or rule establishes controlled hunts, one (1) additional deer, elk or pronghorn may be taken by persons holding tags for those hunts identified as "Extra Tag" or authorizes the use of second tags, the respective bag and possession limit are increased by one (1), provided the tag holder has other tags valid for the take of that species. (3-31-22)()

03. Limits on Take—Deer, Elk, Pronghorn, Mountain Lion, Black Bear, Gray Wolf. ~~In no event may any person take more deer, elk, pronghorn, mountain lion, black bear, or gray wolf in a calendar year than the number of tags the person legally possesses for each species.~~ (3-31-22)

201. --249. (RESERVED)

250. TAGS AND PERMITS.

~~No person may take big game animals without having in possession the appropriate license, tags, and permits.~~ (3-31-22)

01. Use of Controlled Hunt Tags. (3-31-22)

a. ~~Controlled hunt tags, including controlled depredation hunt tags and controlled hunt extra tags, issued for big game animals may be used only for take of the animal in the hunt area specified by Commission proclamation or Department order for the controlled hunt for which the tag is issued.~~ (3-31-22)

02. Use of General Season Tags. ~~General season tags, including extra general season tags, issued for big game animals may be used during any open general season, including any general special weapon season, ONLY as follows:~~ (3-31-22)

a. ~~Only for take of the animal specified on the tag, with a Regular Deer tag being valid for mule deer or white-tailed deer; and~~ (3-31-22)

b. ~~Only in the hunt area for which the tags are issued, as designated by Commission proclamation.~~ (3-31-22)

c. ~~And for elk, Elk A Tags may be used only during a general season, including any general special weapon season, designated by Commission proclamation as an Elk A season, and Elk B Tags may be used only during any general season, including any general special weapon season designated by Commission proclamation as an Elk B season.~~ (3-31-22)

03. Statewide Hunt Area. ~~If a general season tag, including any extra general season tag, for a big game animal does not specify a hunt area, the tag may be used statewide, unless Commission proclamation or Department order specifies an area where such tag use is prohibited or otherwise limited in its use.~~ (3-31-22)

04. Additional Use of Nonresident Deer and Elk Tags. ~~A hunter may use an unfilled nonresident elk or deer tag, to take instead a black bear, mountain lion, or gray wolf, during the open season corresponding to the elk or deer tag hunt area or unit when the season for the animal taken is also open.~~ (3-31-22)

251. ARCHERY AND MUZZLELOADER PERMITS.

~~No person may hunt in a season designated by Commission proclamation as Archery Only or Muzzleloader Only without the appropriate archery or muzzleloader permit for the relevant season validated on their license.~~ (3-31-22)

252. DELAY IN ELIGIBILITY FOR BUYING LIMITED GENERAL HUNT TAG.

~~When the Commission limits the number of tags available for a general big game hunt, the Commission may establish a period of no more than five (5) days at the beginning of a tag sale period, during which any applicant for a~~

~~controlled hunt in the same calendar year for the same species is not eligible to buy a tag for that limited hunt.~~
(3-31-22)

~~253.—254. (RESERVED)~~

~~255. NONRESIDENT TAG RESTRICTIONS.~~

~~01. Nonresident Tag Limitations. (3-31-22)~~

~~a. In controlled hunts with ten (10) or fewer tags, not more than one (1) nonresident tag will be issued. In controlled hunts, EXCEPT unlimited controlled hunts, with more than ten (10) tags, not more than ten percent (10%) of the tags will be issued to nonresidents. This rule will apply to each uniquely numbered controlled hunt and to the controlled hunts for each species. Outfitter allocated hunts are exempt from the limitation of this Subsection.~~
(3-31-22)

~~b. In unlimited controlled hunts, the Commission may limit the number of tags available for nonresident hunters to no less than ten percent (10%) of the average number of tags drawn annually during the previous five (5) year period.~~
(3-31-22)

~~c. For each species, the total number of outfitter allocated controlled hunt tags will be subtracted from the result of ten percent (10%) of the sum of all controlled hunt tags; including outfitter allocated controlled hunts, but excluding all unlimited controlled hunts. In addition to the limitations of Subsection 255.01.a., the resulting net number will be the maximum number of controlled hunt tags that may be issued to nonresidents for all controlled hunts except outfitter allocated and unlimited controlled hunts.~~
(3-31-22)

~~d. In general hunts, the Commission may limit by proclamation the number of tags available for nonresident hunters in a zone or big game hunting unit to no less than ten percent (10%) of the average hunter participation estimated for that zone or unit during the previous five (5) year period. If the Commission adopts tag limits in a zone or big game hunt unit for non residents under this Subsection 01.d., without limiting residents, the provisions of IDAPA 13.01.04.505.02, "Rules Governing Licensing," applicable to controlled hunts with limited nonresident tags and unlimited resident tags will apply to deer and elk tag allocation instead of the provisions of IDAPA 13.01.04.505.01.~~
(3-31-22)

~~e. Governor's Wildlife Partnership Tags for deer, elk, pronghorn, bighorn sheep, mountain goat, and moose will be taken from the nonresident tag quota and availability is subject to Nonresident Tag Limitations.~~
(3-31-22)

~~256. (RESERVED)~~

~~257. ELIGIBILITY FOR CONTROLLED HUNT APPLICATION.~~

~~A person must possess an Idaho hunting license valid for taking game animals to apply for any controlled hunt for big game species.~~
(3-31-22)

~~01. Bighorn Sheep. (3-31-22)~~

~~a. Any person whose name was drawn on a controlled hunt for any bighorn sheep is not eligible to apply for any bighorn tag for two (2) years. Except that a person may apply for a bighorn tag in the second application period or a leftover bighorn tag the following year.~~
(3-31-22)

~~b. Any person who has killed a California bighorn ram is not eligible to apply for a California bighorn ram controlled hunt tag; and any person who has killed a Rocky Mountain bighorn ram is not eligible to apply for a Rocky Mountain bighorn ram controlled hunt tag, 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 tag for any hunt north of Interstate Highway 84; and 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 tag for any hunt south of Interstate Highway 84.~~
(3-31-22)

~~c. Any person who kills a bighorn ewe is not eligible to apply for another bighorn ewe controlled hunt tag for five (5) years. The harvest of a bighorn ewe does not make the person ineligible to apply for a tag to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe is not eligible to apply for any bighorn ram the same year.~~ (3-31-22)

~~**02. Mountain Goat.**~~ (3-31-22)

~~a. Any person whose name was drawn on a controlled hunt for mountain goat is not eligible to apply for a mountain goat tag for two (2) years. Except that a person may apply for a mountain goat tag in the second application period or a leftover mountain goat tag the following year.~~ (3-31-22)

~~b. Any person who has killed a mountain goat since 1977 is not eligible to apply for a mountain goat tag.~~ (3-31-22)

~~**03. Moose.**~~ (3-31-22)

~~a. Any person whose name was drawn on a controlled hunt for moose is not eligible to apply for a moose permit for two (2) years. Except that a person may apply for a moose tag in the second application period or a leftover moose tag the following year.~~ (3-31-22)

~~b. Any person who has killed an antlered moose in Idaho is not eligible to apply for a moose tag for antlered moose, and any person who has killed an antlerless moose in Idaho is not eligible to apply for a tag for antlerless moose except that any person may apply for tags remaining unsold after the controlled hunt draw.~~ (3-31-22)

~~**04. Antlered Only Deer, Antlered Only Elk, and Pronghorn.** Any person whose name was drawn on a controlled hunt for antlered only deer, antlered only elk, or any pronghorn (including either sex, and doe and fawn) is not eligible in the following one (1) year to apply for any controlled hunt for the respective species drawn (antlered only deer, antlered only elk, or any pronghorn).~~ (3-31-22)

~~i. Exceptions. A person drawn in the previous year remains eligible to apply for controlled hunts in the second application period, controlled hunts with an unlimited number of tags, or Landowner Appreciation Program hunts. Such person is also eligible to purchase a leftover tag or Governor's Wildlife Partnership Tag.~~ (3-31-22)

~~**05. Grizzly Bear.** No person who has killed a grizzly bear in Idaho may apply for a grizzly bear tag.~~ (3-31-22)

~~**06. Black Bear.** Any nonresident applying for a controlled black bear hunt who wishes to use hounds must separately apply for a Hound Hunter Permit, subject to applicable limitations of IDAPA 13.01.15.200.04, "Rules Governing the Use of Dogs."~~ (3-31-22)

~~**07. Landowner Permission Hunts.** Any person applying for a landowner permission hunt must have a permission slip including the name, address, and signature of a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area.~~ (3-31-22)

~~**08. Youth Only Hunts.** Youth only controlled hunt application eligibility is limited to persons nine (9) to seventeen (17) years of age, provided they will be ten (10) to seventeen (17) years of age during the hunt for which they apply. A nine (9) year old cannot participate in the hunt until turning age ten (10). A person who turns eighteen (18) years of age during the hunt may continue to participate through the end of the youth only controlled hunt. A person sixty-five (65) years of age or older, or a person with a disabled license, may apply during a second application period for youth only controlled hunts or purchase leftover youth only controlled hunt tags on a first come, first served basis.~~ (3-31-22)

~~**09. Outfitter Allocated Hunts.** Any person must have a written agreement with an outfitter to submit an application for an outfitter allocated controlled hunt.~~ (3-31-22)

~~10. Multiple Applications.~~ (3-31-22)

~~a. Any person applying for a bighorn sheep, mountain goat, grizzly bear, or moose controlled hunt is not eligible to apply for any other controlled hunt in the same year, except Unlimited Controlled Hunts, a controlled black bear hunt, a controlled gray wolf hunt, or a designated depredation or extra tag hunt for deer, elk or pronghorn. In addition, unsuccessful applicants for bighorn sheep, mountain goat or moose controlled hunts are eligible to participate in the second application period for deer, elk, and pronghorn and the first come, first served deer, elk, and pronghorn controlled hunt permit sales.~~ (3-31-22)

~~b. Any person may apply for both a controlled hunt tag and a controlled hunt extra tag for the same big game species.~~ (3-31-22)

~~258. CONTROLLED HUNT APPLICATIONS~~

~~01. Applications.~~ Individual applications or group applications for controlled hunts may be submitted electronically through the automated licensing system at any vendor location, including Department offices, via the Internet or telephone, 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 lacks information or fees will be declared void and will not be entered in the drawing. All applications will be considered final; except, applicants who would like to change their submitted controlled hunt application may request the original application be canceled to resubmit a new controlled hunt application during the applicable application period. The new application is subject to the appropriate application fees. (3-31-22)

~~a. Spring black bear, spring grizzly bear—Application period—January 15—February 15.~~ (3-31-22)

~~b. Moose, bighorn sheep, and mountain goat—Application period for first drawing—April 1—30.~~ (3-31-22)

~~c. Deer, elk, pronghorn, fall black bear, fall grizzly bear—Application period for first drawing—May 1—June 5.~~ (3-31-22)

~~d. Moose, bighorn sheep, and mountain goat—Application period for second drawing, if applicable—June 15—25.~~ (3-31-22)

~~e. Deer, elk, pronghorn, fall black bear, fall grizzly bear—Application period for second drawing—August 5—15.~~ (3-31-22)

~~02. Applicant Requirements.~~ Applicants must comply with the following requirements: (3-31-22)

~~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 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.~~ (3-31-22)

~~b. Only one (1) controlled hunt extra tag will be issued for each person on any application submitted.~~ (3-31-22)

~~c. Several applications may be submitted 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 tag hunts or controlled hunt extra tag hunts.~~ (3-31-22)

~~d. Fees must be submitted with each application. A single payment may be submitted to cover fees for all applications. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. The application fee is set by Section 36-416, Idaho Code, per person per controlled hunt applied for. The tag fees are not to be submitted for deer, elk, pronghorn, black bear, or gray wolf. Persons applying for moose, bighorn sheep, grizzly bear, 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 tag in the~~

~~mail. (3-31-22)~~

~~03. Group Application. (3-31-22)~~

~~a. A “group application” for deer, elk, and pronghorn is defined as two, three, or four (2, 3, or 4) persons applying for the same controlled hunt on the same application. All applicants must comply with all rules and complete applications properly. All applicants must abide by the same first and second hunt choices. (3-31-22)~~

~~b. A “group application” for moose, bighorn sheep, mountain goat, black bear, and gray wolf, is defined as two (2) persons applying for the same controlled hunt on the same application. Both applicants must comply with all rules and complete applications properly. Both applicants must abide by the same first and second hunt choices. (3-31-22)~~

~~c. If a group application exceeds the number of tags available in a hunt, that group application will not be selected for that hunt. (3-31-22)~~

~~04. Unlimited Controlled Hunts. Unlimited controlled hunts identified by proclamation as “first-choice only” may be applied for only as the applicant’s first choice controlled hunt. (3-31-22)~~

~~05. Landowner Permission Controlled Hunts. Landowner permission hunt tags will be sold first-come, first-served basis at the Department’s Headquarters or regional offices beginning the first business day on or after July 15. (3-31-22)~~

~~06. Sale of Remaining Tags. Any controlled hunt tags, except unlimited controlled hunts that remain unsold after the controlled hunt drawings may be sold by any license vendor, through the Internet, or over the telephone on a first-come, first-served basis on the dates below unless such day is a Sunday or legal holiday, in which case the tags will go on sale the next legal business day. A controlled hunt application and tag will be issued to successful controlled hunt purchasers. The ten percent (10%) nonresident limitation will not apply. Controlled hunt applicants with a tag already in possession must return their tag to a Department office to be exchanged for the appropriate controlled hunt tag, except where the Commission has authorized by proclamation possession of the additional tag. (3-31-22)~~

~~a. Spring Bear—April 1. (3-31-22)~~

~~b. Moose, Bighorn Sheep, and Mountain Goat—July 10. (3-31-22)~~

~~c. Deer, Elk, Pronghorn, and Fall Bear—August 25. (3-31-22)~~

~~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. (3-31-22)~~

~~08. Second Drawing Exclusion. The Director may designate certain leftover controlled hunt tags to become immediately available on a first-come, first-served over the counter basis due to the dates of the hunt. (3-31-22)~~

~~259. DEADLINE FOR CLAIMING TAGS AND UNCLAIMED TAGS.~~

~~Successful applicants for the first deer, elk, black bear, gray wolf, or pronghorn controlled hunt drawing must purchase and pick up their controlled hunt tag no later than August 1. All controlled hunt tags not purchased and picked up will be entered into a second controlled hunt drawing. Any controlled hunt tags, except unlimited controlled hunt tags, left over or unclaimed after the second controlled hunt drawing will be sold on a first-come, first-served basis. (3-31-22)~~

~~260. USE OF CONTROLLED HUNT TAGS.~~

~~01. Use of Controlled Hunt Tags. No person may hunt in any controlled hunt without having a valid controlled hunt tag in possession. (3-31-22)~~

- a.** A controlled hunt area with an “X” suffix is an extra tag hunt. (3-31-22)
- b.** ~~In the event a tag is issued based on erroneous information, the tag will be invalidated by the Department and may NOT be used. The Department will notify the person of the invalidation of the tag. 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.~~ (3-31-22)
- 02. Deer.** Any person who draws a controlled hunt tag for deer is not eligible to hunt in any other deer hunt ~~archery, muzzleloader, or general; except:~~ (3-31-22)
- a.** ~~The person may choose not to purchase the controlled hunt tag by the date set by Section 259 of these rules for the first deer drawing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale.~~ (3-31-22)
- b.** ~~If the person draws an unlimited controlled hunt, the person may relinquish the controlled hunt prior to purchasing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale.~~ (3-31-22)
- c.** ~~The holder of a deer controlled hunt tag may purchase a nonresident general season tag as a second tag.~~ (3-31-22)
- d.** ~~Any person who draws a controlled hunt extra tag for deer may hunt in any other deer hunt archery, muzzleloader, general or controlled hunt.~~ (3-31-22)
- 03. Elk.** Any person who draws a controlled hunt tag for elk is not eligible to hunt in any other elk hunt ~~archery, muzzleloader, or general; except:~~ (3-31-22)
- a.** ~~The person may choose not to purchase the controlled hunt tag by the date set by Commission rule for the first elk drawing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale.~~ (3-31-22)
- b.** ~~If the person draws an unlimited controlled hunt, the hunter may relinquish the controlled hunt prior to purchasing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale.~~ (3-31-22)
- c.** ~~The holder of an elk controlled hunt tag may purchase a nonresident general season tag as a second tag.~~ (3-31-22)
- d.** ~~Any person who draws a controlled hunt extra tag for elk may hunt in any other elk hunt archery, muzzleloader, general or controlled hunt.~~ (3-31-22)
- 04. Pronghorn.** Any person who draws a pronghorn controlled hunt tag is not eligible to hunt in any other pronghorn hunt; except: (3-31-22)
- a.** ~~The person may choose not to purchase the controlled hunt tag by the date set by Commission rule for the first pronghorn drawing allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale.~~ (3-31-22)
- b.** ~~If the person draws an unlimited controlled hunt, the person may relinquish the controlled hunt prior to purchasing, allowing the person to participate in a general season hunt or the second application period or the leftover controlled hunt tag sale.~~ (3-31-22)
- c.** ~~The holder of a pronghorn controlled hunt tag may purchase a controlled hunt extra tag for pronghorn.~~ (3-31-22)
- d.** ~~Any person who draws a pronghorn controlled hunt extra tag may apply for a controlled hunt tag~~

~~for pronghorn. (3-31-22)~~

~~**05. Black Bear. (3-31-22)**~~

~~**a.** Any person who draws a spring controlled hunt tag for black bear may choose to purchase the controlled hunt bear tag or return an unused general season bear tag in exchange for the controlled hunt bear tag. (3-31-22)~~

~~**b.** Any person who draws a fall controlled hunt tag for black bear may choose to purchase the controlled hunt bear tag or return an unused general season bear tag in exchange for the controlled hunt bear tag. (3-31-22)~~

~~**261. SPECIAL CONTROLLED HUNTS.**~~

~~**01. Special Controlled Hunt Program.** The Special Controlled Hunt Program is a program to partially fund a sportsman access program adopted by the Commission. This program will offer forty (40) tags valid for the current year hunting seasons; including, twelve (12) tags each for elk, deer, and pronghorn, and four (4) tags for moose. (3-31-22)~~

~~**a.** The rules for controlled hunts set forth in Section 260, of these rules, do not apply to the Special Controlled Hunt Program. (3-31-22)~~

~~**b.** The Special Controlled Hunt application will be marketed by the Department. The Department will issue these tags to eligible persons selected by an impartial random draw process. The successful applicants will receive the tag necessary to hunt the appropriate species. (3-31-22)~~

~~**02. Moneys.** The Department will deposit all moneys received from the sale of Special Controlled Hunt Applications in accordance with state law. The Department will specifically use funds for the sportsman access program. (3-31-22)~~

~~**03. General Rules. (3-31-22)**~~

~~**a.** Any individual, resident or nonresident, may purchase and submit applications without limit. (3-31-22)~~

~~**b.** Special controlled hunt applications may be entered in the name of individuals other than the purchaser. (3-31-22)~~

~~**c.** Each successful applicant must have or be eligible to obtain a valid Idaho hunting license. (3-31-22)~~

~~**d.** Each tag will be issued to the individual named on the drawn application that meets license eligibility requirements and cannot be transferred. (3-31-22)~~

~~**e.** An individual may be drawn for only one (1) special controlled hunt tag for each species. (3-31-22)~~

~~**f.** Each special controlled hunt tag is valid for the designated species and allows the person to hunt in any open hunt, general or controlled, for the designated species in the applicable year's season. (3-31-22)~~

~~**g.** The special controlled hunt tag will be in addition to any other tag the person is eligible to obtain. (3-31-22)~~

~~**h.** Any applicant, including those who harvest an animal on a special controlled hunt tag, will be eligible to apply for any controlled hunt for the same species in the same year or subsequent years. (3-31-22)~~

~~**i.** In the event a license, tag, or permit is issued based on erroneous information, all documents issued based on the erroneous information will be invalidated by the Department and may not be used. The Department will~~

~~notify the individual at his last known place of residence of the invalidation of the license, tag or permit. (3-31-22)~~

~~**04. Application Fees.** Applications may be sold for individual species (Super Hunt) or grouped for combined species (Super Hunt Combo). The application fees will be set by Commission Order under Section 36-415, Idaho Code, or will be the same as the controlled hunt fee set in Section 36-416, Idaho Code. (3-31-22)~~

~~**05. Drawing Dates.** There will be two (2) drawings. All drawings will be held at the Department's offices in Boise, Idaho. The first drawing winners will be notified by June 10, and the second drawing winners will be notified by August 15 each year. The Commission may order a different drawing day in case of business emergency, holiday, or non-business days. (3-31-22)~~

~~**06. Department Marketed Applications.** (3-31-22)~~

~~**a.** Individual applications for special controlled hunts shall be made on a form prescribed by the Department or submitted electronically at any Department Office or license vendor, via Internet or telephone. (3-31-22)~~

~~**b.** Applications received at the Licenses Section, Headquarters Office, Idaho Department of Fish and Game, PO Box 25, Boise, Idaho 83707-0025, or submitted electronically, by no later than 11:59 pm Mountain time May 31 of the current calendar year will be eligible for the first drawing held in June; and those received after May 31 and by no later than 11:59 pm Mountain time, August 10, of the current calendar year for the second drawing. Applications received after August 10 will be eligible for the drawing held in June of the following year. (3-31-22)~~

~~**c.** All applications entered into the first drawing are not eligible for and will not be entered into the second drawing. (3-31-22)~~

~~**d.** Any individual application that is unreadable, has multiple or no species box checked, is incomplete, or lacks the 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. (3-31-22)~~

~~**e.** Should the winner be ineligible, deceased, or incapacitated to hunt, the first alternate drawn will be declared the winner. Should the first alternate be ineligible, deceased or incapacitated to hunt, the second alternate drawn will be declared the winner. Should the second alternate be ineligible, deceased or incapacitated to hunt, that special controlled hunt tag will be null and void and will not be issued to any person. (3-31-22)~~

~~**262. (RESERVED)**~~

~~**263. REFUNDS OF CONTROLLED HUNT FEES.**~~

~~**01. Refunds.** (3-18-22)~~

~~**a.** Controlled hunt tag fees will be refunded to unsuccessful or ineligible applicants for moose, sheep, mountain goat, and grizzly bear. Unsuccessful applicants may donate all or a portion of refunded tag fees 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. (3-18-22)~~

~~**b.** Fees for hunting licenses will not be refunded to unsuccessful or ineligible controlled applicants. (3-18-22)~~

~~**c.** Fees for deer or elk tags purchased prior to the drawing will not be refunded to unsuccessful or ineligible applicants. (3-18-22)~~

~~**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. (3-18-22)~~

~~**e.** Controlled hunt application fees are nonrefundable. (3-18-22)~~

~~f. Fees for resident and nonresident adult controlled hunt tags subsequently designated to a minor child or grandchild are not refundable. (3-18-22)~~

~~g. Fees for special controlled hunt application, tag and related hunting license are not refundable. (3-18-22)~~

~~264.—269. (RESERVED)~~

~~270. MANDATORY HUNTER ORIENTATION.~~

~~Anyone drawing a controlled archery only hunt tag with mandatory hunter orientation as denoted in the season proclamation will receive orientation information that includes hunt boundaries, legal restrictions, and hunter ethics. Tag holders must sign and return an affidavit that they have reviewed and understand the orientation to receive a Certificate of Completion, which must be carried by the hunter during the hunt. Holders of “Certificates of Completion” from previous hunts do not have to repeat this orientation and will be provided with updated Certificates of Completion to participate in the hunt. (3-31-22)~~

~~271.—299. (RESERVED)~~

300. IDENTIFICATION OF ANIMALS THAT LEGALLY MAY BE TAKEN.

01. Big Game Animals of Either Sex. Unless a season is restricted, Bbig game animals of either sex may be taken, except the following may not be taken: (3-31-22)()

- a. Mountain Goat. Females accompanied by young. (3-31-22)
- b. Black Bear. Females accompanied by young. (3-31-22)
- c. Mountain Lion. Spotted young or females accompanied by spotted young. (3-31-22)()
- d. Grizzly Bear. Adult grizzly bears accompanied by young, or young accompanied by adult grizzly bear(s). (3-31-22)

02. Seasons Restricted to Antlered or Male Animals Only. (3-31-22)

a. Deer. Only deer with at least one (1) antler longer than three (3) inches may be taken in any season open for antlered deer only. (3-31-22)

b. Two-point deer. Only deer with not more than two (2) points on one (1) antler, not including brow point, and at least one (1) antler longer than three (3) inches may be taken in any season open for two-point deer only. (3-31-22)

~~c. Three-point deer. Only deer having at least one (1) antler with three (3) or more points not counting the brow point or tine may be taken in any season open for three-point or larger deer only. (3-31-22)~~

~~d.~~ Four-point deer. Only deer having at least one (1) antler with four (4) or more points, not including the brow point or tine, may be taken in any season open for four-point or larger deer only. (3-31-22)

~~e.~~ Elk. Only elk with at least one (1) antler longer than six (6) inches may be taken in any season which is open for antlered elk only. (3-31-22)

~~f.~~ Spike elk. Only elk with no branching on either antler and at least one (1) antler longer than six (6) inches may be taken in any season which is open for spike elk only. A branch is an antler projection that is at least one (1) inch long and longer than the width of the projection. (3-31-22)

~~g.~~ Brow-tined elk. Any elk having an antler or antlers with a visible point on the lower half of either main beam that is greater than or equal to four (4) inches long. (3-31-22)

hg. Moose. Only moose with at least one (1) antler longer than six (6) inches may be taken in any season open for antlered moose only. (3-31-22)

h. Pronghorn. Only pronghorn with a black “cheek patch” and horns greater than three (3) inches long may be taken during a buck only pronghorn seasons. ()

03. Seasons Restricted to Antlerless or Female Animals Only. (3-31-22)

a. Deer. Only deer without antlers or with antlers shorter than three (3) inches may be taken in any season open for antlerless deer only. (3-31-22)

b. Elk. Only elk without antlers or with antlers shorter than six (6) inches may be taken in any season open for antlerless elk only. (3-31-22)

c. Pronghorn. Only pronghorn without a black “cheek patch” or horns less than three (3) inches long may be taken during doe and fawn only pronghorn seasons. (3-31-22)

d. Bighorn sheep. Only bighorn sheep with horns between six (6) inches and twelve (12) inches in length may be taken in any season which is open for bighorn ewes only. (3-31-22)

e. Moose. Only moose without antlers or with antlers less than six (6) inches long may be taken in any season which is open for antlerless moose only. (3-31-22)

301. -- 319. (RESERVED)

320. TAG VALIDATION AND ATTACHMENT.

01. Tag. Immediately after any ~~deer, elk, pronghorn, moose, bighorn sheep, mountain goat, mountain lion, black bear, grizzly bear, or gray wolf~~ big game animal is killed, the appropriate big game animal tag must be validated and securely attached to the animal, as prescribed by rule or proclamation. (3-31-22)()

a. Validation. ~~Cut out and completely remove only the two (2) triangles indicating the date and month of kill~~ Tags may be paper or electronic, as determined by the hunter at time of purchase. Electronic tags require use of the Department’s official mobile app and must be validated for date and month through the app. Two (2) triangles indicating the date and month of kill must be cut out and completely removed from the paper tag. (3-31-22)()

b. Attachment of Tag. (3-31-22)

i. Deer, elk, pronghorn, moose, mountain goat, ~~black bear,~~ and bighorn sheep: to the largest portion of the edible meat to be retained by the hunter or any person transporting for the hunter. The tag must remain attached during transit to a place of processing and remain attached until the meat is processed. The validated tag must accompany the processed meat to the place of final storage or final consumption. (3-31-22)()

ii. Mountain lion, black bear, grizzly bear, and gray wolf: To the hide until the mandatory check is ~~complied with~~ completed. (3-31-22)()

321. -- 349. (RESERVED)

350. IDENTIFICATION OF SEX, SIZE, AND/OR SPECIES IN POSSESSION AND DURING TRANSPORTATION OR SHIPMENT.

01. Evidence of Sex. Evidence of sex must be left naturally attached to the carcass of any big game animal until the carcass reaches the final place of storage or consumption, or is taken to a commercial meat processing facility as follows: (3-31-22)()

a. ~~In antlered or male only seasons, the~~ For species having antlers or horns, the evidence of sex requirement is met when the head, horns, or antlers are left naturally attached to the whole carcass or to a front

quarter. If the head, horns, or antlers are removed, some other external evidence of sex (either scrotum, penis ~~or~~ testicles, udder, or vulva) must be left naturally attached to the carcass or to a hind quarter; and ~~the any~~ horns or antlers must accompany the carcass while in transit. (3-31-22)()

~~b.i.~~ In spike elk or two point (2) deer only seasons, the evidence of sex requirement is met when the head with both complete unaltered antlers are left naturally attached to the whole carcass or to a front quarter. If the head or antlers are removed, some other external evidence of sex (either scrotum, penis or testicles) must be left naturally attached to the carcass or to a hind quarter; and In addition, in seasons restricted based on spike, brow tines, or antler points or branches, both complete, unaltered antlers must be naturally attached to each other must and accompany the carcass while in transit. (3-31-22)()

~~e.~~ In antlerless, doe/fawn or female only seasons, if the head is removed from female elk, moose, deer, pronghorn, or bighorn sheep, some other external evidence of sex (either udder or the vulva) must be left naturally attached to the carcass or to a hind quarter. (3-31-22)

~~d.~~ The entire head of antlerless male elk, moose, deer, or pronghorn, or a male lamb bighorn sheep killed during an antlerless, female, doe/fawn or ewe only season, may be left naturally attached to the carcass or to a front quarter. If the head is removed, some other external evidence of sex (either scrotum, penis, or testicles for males or udder or vulva for females) must be left naturally attached to the carcass or to a hind quarter. (3-31-22)

~~eb.~~ For black bear, grizzly bear, mountain lion, and gray wolf, external evidence of sex (either scrotum, penis or testicles for males, ~~or udder~~ or vulva for females) must be left naturally attached to the hide until the mandatory check has been complied with satisfied. (3-31-22)()

02. Evidence of Species. In seasons restricted to mule deer only or white-tailed deer only, if the head is removed, the fully-haired tail must be left naturally attached to the carcass or portion of edible meat if boned, until it reaches the final place of storage, or consumption, or is taken to a commercial meat processing facility. (3-31-22)()

03. Other. Proclamations or emergency hunt orders may designate seasons and areas in which portions of a carcass must be presented to the Department within a specified timeframe; ~~or waive an~~ for which evidence requirement(s) of this section will not apply. (3-31-22)()

351. – 403. (RESERVED)

404. SPECIAL WEAPON SEASONS.

The Commission may designate by proclamation Special Weapon seasons, such as Archery Only, Muzzleloader Only, ~~or~~ Short-range Weapons Only, or Centerfire Open Sights Only, in which restrictions to method of take apply in addition to those set forth in Section 410. (3-31-22)()

405. SPECIAL WEAPON SEASONS – ARCHERY.

01. Archery Only Season. ~~During a season designated by Commission proclamation as an~~ In Archery Only season, it is unlawful to take a big game animal: (3-31-22)()

a. With any firearm, crossbow, or implement other than a longbow, compound bow, or recurve bow. (3-31-22)

b. With any device attached to the bow that holds a bow at partial or full draw. (3-31-22)

c. With any bow or crossbow equipped with magnifying sights, except verifiers. (3-31-22)()

02. Traditional Archery Only Season. ~~During a season identified by Commission proclamation as~~ In Traditional Archery Only seasons, it is unlawful to take any big game animal: (3-31-22)()

a. With any firearm, crossbow, or implement other than a longbow or recurve bow. (3-31-22)

- b. With an arrow not constructed of wood or fletched with non-natural material. (3-31-22)
- c. With any bow equipped with sights. (3-31-22)

406. SPECIAL WEAPON SEASONS – MUZZLELOADER.

01. Muzzleloader Only Season. It is unlawful to take a big game animal with any firearm, including muzzleloading pistols, or implement other than a muzzleloading rifle or musket that complies with each of the following: (7-1-24)

- a. Is at least forty-five (.45) caliber for deer, pronghorn, mountain lion, or gray wolf, or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (3-31-22)
- b. Is capable of being loaded only from the muzzle. (3-31-22)
- c. Is equipped only with open or peep sights. (3-31-22)
- d. Is loaded only with loose black powder including synthetic black powder. (3-31-22)
- e. Is equipped with no more than two (2) barrels. (3-31-22)
- ~~f. Is loaded only with a projectile with a diameter within one hundredth (.01) of an inch of the bore diameter. (3-31-22)~~
- ~~g.~~ Is equipped only with flint, musket cap, or percussion cap. 209 primers are prohibited. (3-31-22)
- ~~h.~~ Is equipped with an exposed ignition system. (3-31-22)
- ~~i.~~ Is loaded only with a patched round ball or conical metal or metal alloy projectile, ~~with the exception of allowance of accuracy tips and pressure bases~~ are allowed. (7-1-24)()

02. Pelletized Powder. It is unlawful to use pelletized powder in a Muzzleloader Only season. (3-31-22)

~~**03. Sabot.** It is unlawful to use a sabot in a Muzzleloader Only season. (3-31-22)~~

407. SPECIAL WEAPON SEASONS – SHORT-RANGE WEAPONS.

01. Short-range Weapon Only Season. ~~During a season designated by Commission proclamation as~~ In a Short-Range Weapon Only seasons, it is unlawful to use any weapon other than the following: (3-31-22)()

- a. Any shotgun using any slug or double-aught (#00) or larger buckshot. (3-31-22)
- b. Any muzzleloader that is at least forty-five (0.45) caliber for deer, pronghorn, mountain lion, or gray wolf, or at least fifty (0.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (3-31-22)
- c. 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.~~ (3-31-22)()
- d. Any crossbow having a peak draw weight of not less than one hundred fifty (150) pounds. (3-31-22)
- e. Any handgun using straight wall centerfire cartridges ~~not originally developed for rifles.~~ (3-31-22)()
- f. Any airgun using pre-charged pneumatic power to propel a projectile (excluding shot and arrows) with unignited compressed air or gas and projectiles at least thirty-five (0.35) caliber for ~~deer and pronghorn antelope~~

~~deer, pronghorn, mountain lion, or gray wolf~~, or at least forty-five (0.45) caliber for ~~elk and moose~~ elk, moose, bighorn sheep, mountain goat, or black or grizzly bear. (3-31-22)()

408. SPECIAL WEAPON SEASONS – CENTERFIRE OPEN SIGHTS.

01. Centerfire Open Sights Only Season. In Centerfire Open Sights Only seasons, it is unlawful to use any weapon other than the following: ()

a. Any centerfire firearm equipped only with open or peep sights, with or without verifier. ()

~~408.~~ **409. (RESERVED)**

410. UNLAWFUL METHODS OF TAKE – GENERAL.

No person may take big game animals as set forth in this section. (3-31-22)

01. Firearms. (3-31-22)

a. With any firearm that, in combination with a scope, sling, and/or any other attachments, weighs more than sixteen (16) pounds. (3-31-22)

b. With any shotgun using any shot smaller than double-aught (#00) buck. (3-31-22)

c. With any rimfire rifle, rimfire handgun or any muzzleloading handgun, except for mountain lion and trapped gray wolf. (3-31-22)

d. With a fully automatic firearm. (3-31-22)

e. With any electronic device attached to, or incorporated in, the firearm (including handguns and shotguns) or scope; except scopes containing battery powered or tritium lighted reticles are allowed. (3-31-22)

02. Bows, Crossbows, Arrows, Bolts, Airguns, Chemicals or Explosives. (3-31-22)

~~**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 fifteen thousandths (0.015) inch thick. (3-31-22)~~

ba. 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. (3-31-22)

eb. With any chemicals or explosives attached to the arrow or bolt. (3-31-22)

~~**d.** With arrows or bolts having expanding broadheads. (3-31-22)~~

~~**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. (3-31-22)~~

~~**fc.** With any electronic or tritium-powered device attached to, or incorporated into, an arrow, bolt, crossbow, or bow; except lighted nocks are allowed. (3-31-22)()~~

gd. With any bow capable of shooting more than one (1) arrow at a time. (3-31-22)

~~**h.** With any compound bow with more than eighty-five percent (85%) let-off. (3-31-22)~~

ic. With an arrow and broadhead, or bolt and broadhead, with a combined total weight of less than three hundred (300) grains. (3-31-22)

if. With an arrow less than twenty-four (24) inches or a crossbow bolt less than twelve (12) inches in length from the broadhead to the nock inclusive. (3-31-22)

~~**kg.** With an arrow wherein the broadhead does not precede the shaft and nock. (3-31-22)~~

lg. With any crossbow pistol. (3-31-22)

mh. With any airgun using pre-charged pneumatic power to propel a projectile (excluding shot and arrows) with unignited compressed air or gas and projectiles less than thirty-five (0.35) caliber for deer, pronghorn antelope, mountain lion, or gray wolf, or less than forty-five (0.45) caliber for elk, moose, bighorn sheep, mountain goat, or black or grizzly bear. (3-31-22)

03. Muzzleloaders. (3-31-22)

a. With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, pronghorn, mountain lion, or gray wolf, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (3-31-22)

b. With any electronic device attached to, or incorporated in, the muzzleloader. (3-31-22)

04. Other. (3-31-22)

a. With electronic calls except for the hunting of mountain lions, black bears, and wolves in seasons set by proclamation and in accordance with Section 36-201, Idaho Code. (3-31-22)()

b. With any bait ~~for hunting, including grain, salt in any form (liquid or solid), or any other substance (not to include synthetic liquid scent) to constitute an attraction or enticement, except in accordance with IDAPA 13.01.17, "Rules Governing the Use of Bait for Hunting Big Game Animals."~~ for hunting, except as set forth in these Rules. (3-31-22)()

c. With dogs, except for mountain lion or black bear in accordance with ~~IDAPA 13.01.15, "Rules Governing the Use of Dogs."~~ (3-31-22)()

d. With any net, snare, trap, chemical, deadfall or device other than legal firearm, archery or muzzleloader equipment or airgun; except in accordance under Section 36-201, Idaho Code, and with IDAPA 13.01.16, "Rules Governing Trapping of Wildlife and Taking of Furbearing Animals." (3-31-22)()

e. Within an enclosure designed to prevent ingress or egress of big game animals, including fenced facilities defined as Domestic Cervidae Farms under Section 25-3501, Idaho Code, unless authorized by the director. This rule does not apply to domestic cervids. (3-31-22)

f. With radio telemetry or other electronic tracking devices used as an aid to locate big game animals. This rule does not affect the use of telemetry equipment on hounds or other sporting dogs. (3-31-22)

g. With the use of any smart optics when attached to or incorporated, except scopes with battery powered, tritium lighted reticles, or as defined by IDAPA 13.01.04.304, Reasonable Modification Permit. ()

h. For big game ungulates (moose, bighorn sheep, mountain goat, elk, mule deer, white-tailed deer, and pronghorn) from August 1 through December 31: ()

i. With the use of thermal imaging technology, including for scouting, hunting or retrieval; ()

ii. With the use of night vision technology, including for scouting, hunting or retrieval; ()

iii. With the use of a transmitting trail camera, including for hunting and scouting, on land in federal, state, or local government ownership, or private land open to the general public for hunting; or ()

iv. With the use of any aircraft, including any unmanned aircraft system, for scouting or hunting. This restriction is in addition to the restrictions for use of aircraft in Section 36-1101(b) Idaho Code. ()

411. MOTORIZED HUNTING RULE.

The use of motorized vehicles by hunters as an aid to hunting big game is restricted in certain areas. This use restriction is in addition to all federal, state and local laws, rules, regulations, ordinances and orders; including, but not limited to, any motorized vehicle licensing, registration, and permitting requirements and traffic laws. Hunters must comply with all motorized vehicle limits or prohibitions instituted by the landowner or land manager. Also, this use restriction rule is not an exception from, and is in addition to, the statutory prohibition against hunting from or by the use of any motorized vehicle set forth in [Section 36-1101\(b\)\(1\), Idaho Code](#). (3-31-22)

01. Use Restriction. In designated units from August 30 through ~~December 31~~ **November 14**, hunters may only use motorized vehicles on established roadways that are open to motorized traffic and capable of travel by full-sized automobiles. (3-31-22)()

02. Exceptions. This use restriction rule does not apply to the following permissible motorized vehicle uses by hunters off of an established roadway: (3-31-22)

a. Holders of a valid Disabled Motor Vehicle Hunting Permit may use a motorized vehicle as allowed by the land owner or manager. (3-31-22)

b. Hunters may use a motorized vehicle to retrieve downed game if such travel is allowed by the land owner or manager. (3-31-22)

c. Hunters may use a motorized vehicle to pack camping equipment in or out if such travel is allowed by the land owner or manager; however, hunters may not hunt while packing camping equipment. (3-31-22)

d. Private landowners on their private land, their authorized agents, and persons with written landowner permission are excepted from the Motorized Hunting Rule use restriction. (3-31-22)

412. DESIGNATED MOTORIZED HUNTING RULE UNITS.

The motorized hunting use restriction applies to units 29, ~~30, 30A~~, 32, 32A, ~~36A, 37~~, 37A, 45, ~~47, 49~~, 50, 51, 52, 52A, 53, 56, 58, 59, 59A, 66, 66A, 69, ~~70, 72~~, 73, 75, 76, 77, and 78. (3-31-22)()

413. EXCEPTIONS FOR METHODS OF TAKE AND SHOOTING HOURS FOR GRAY WOLF.

01. Exceptions for Dispatch of Trapped Wolf. A lawfully trapped gray wolf may be dispatched at any hour with any rifle or handgun in exception ~~to IDAPA 13.01.08.400 and of Section 410, "Rules Governing Taking of Big Game Animals," without additional permit from the Director~~ **of these rules.** (3-31-22)()

02. Exceptions for Methods of Take. The Commission may by proclamation set seasons ~~by proclamation for units~~ in which the hunting or trapping of gray wolf is exempt from method of take restrictions for game animals contained in [Section 36-1101, Idaho Code](#), or Sections 410 or 412 of these rules, where such take restrictions do not apply to other wild canines. (3-31-22)()

03. Permits Involving Waiver of Official Shooting Hours. Where the Commission sets seasons pursuant to Section 413.02 of these rules, no person may hunt gray wolf by use of artificial light or otherwise outside of official shooting hours set by [IDAPA 13.01.07.400, Rules Governing Taking of Wildlife](#), unless: (3-31-22)()

a. On public land, that person has a valid permit from the Director and complies with any permit conditions. The Director may deny a person's application for such permit, limit the time or area for hunting, or impose other conditions for good cause, such as public safety or protection of other wildlife or property; or (3-31-22)

b. On private land, that person is the owner of that land or has written authorization from the landowner or landowner's agent. (3-31-22)

414. -- 4189. (RESERVED)

419. RETURN OF TAGS BY UNSUCCESSFUL HUNTERS.

Hunters who are not successful in killing a bighorn sheep, mountain goat, grizzly bear, 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. (3-31-22)

420. MANDATORY CHECK AND REPORT REQUIREMENTS.

Any person killing black bear, moose, bighorn sheep, mountain goat, gray wolf, or mountain lion ~~in a unit with no quota~~, must comply with mandatory check and report requirements within ten (10) days of the date of kill, ~~or a~~. Any person killing ~~mountain lion in a unit with a quota, or a grizzly bear~~, a grizzly bear or species to which a hunt closure quota applies must, within five (5) days of the date of kill, comply with the mandatory check and report requirements by: Mandatory check and reports requirements are: (3-31-22)()

01. Harvest Report. Completing ~~the relevant harvest report~~ the big game mortality report ~~or other report form as required~~ form for the species taken, or other report form as may be specified by proclamation for the hunt. (3-31-22)()

02. Presentation of Animal Parts. Presenting the following animal parts ~~so that Department personnel may collect biological data and mark the animal parts:~~ (3-31-22)()

a. Black Bear: Skull and portion of the hide with evidence of sex attached to be presented to a conservation officer, regional office or official check point for removal and retention of premolar tooth and to have the hide marked. (3-31-22)

b. Grizzly Bear: Skull and portion of the hide with evidence of sex attached to be presented to a conservation officer or regional office for removal and retention of a premolar tooth, and to have the hide marked. (3-31-22)

c. Mountain Lion: Skull and portion of the hide with evidence of sex attached to be presented to a conservation officer ~~or~~, regional office, or official checkpoint for removal and retention of a premolar tooth, and to have the hide marked. (3-31-22)()

d. Gray Wolf: Skull and portion of the hide with evidence of sex attached to be presented to a conservation officer or regional office for removal and retention of a premolar tooth, and to have the hide marked. (3-31-22)

e. Moose: ~~Antlers from antlered animals~~ Skulls and antlers (if antlered) to be presented to a conservation officer or regional office. (3-31-22)()

f. Bighorn Sheep: ~~Ram h~~ Horns to be presented to a regional office ~~for marking, ewe horns to be presented to a regional office,~~ with ram horns to be marked. (3-31-22)()

g. Mountain Goat: Horns to be presented to a conservation officer or regional office. (3-31-22)

03. Return of Tags by Unsuccessful Hunters. Hunters who are not successful in killing a bighorn sheep, mountain goat, grizzly bear, or moose must 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. ()

034. Possession of Raw Pelts of Black Bear, Grizzly Bear, Mountain lion, and Gray Wolf. No person may have in possession, except during the respective time period after lawful harvest allowed for mandatory check in this S ~~section 420 of these rules~~ (five (5) or ten (10) days), depending on species), any raw black bear, mountain lion, grizzly bear, or gray wolf pelt, without an official state export tag attached, unless that person possesses a fur buyer or taxidermist license or appropriate import documentation. (3-31-22)()

045. Authorized Representative. A person may authorize another person to comply with the above requirements if that person complies with reporting requirements and possesses enough information to accurately

complete the necessary form.

(3-31-22)

421. MANDATORY ~~REPORTS FOR~~ PRONGHORN, DEER, AND ELK ~~REPORT REQUIREMENTS~~.

01. Mandatory Report. Any hunter that obtains a pronghorn, deer, or elk tag must submit to the Department an accurately completed Mandatory Report for the respective species on a form prescribed by the Department, within ten (10) days of killing such animal, or if the hunter does not kill such animal, within ten (10) days of the closing date of the appropriate season. (3-31-22)

02. Failure to Report. Failure to submit the pronghorn, deer, or elk Mandatory Report as required in this section will render the person ineligible to obtain any license until a late Mandatory Report permit is submitted with the Department. (3-31-22)

422. MANDATORY TELEPHONE REPORT.

In addition to other check and reporting requirements, any hunter killing a grizzly bear must report the harvest within twenty-four (24) hours by calling the Grizzly Bear Reporting Number, a toll-free telephone number published in the grizzly bear season and rules brochure available at Department offices and on the Department website. (3-31-22)

423. -- ~~499~~49. (RESERVED)

450. BIOLOGICAL SAMPLE COLLECTION.

Any person killing a big game animal must comply with requirements for biological sampling for detection of disease or other population management, as established by proclamation or order of the Commission or director. ()

451. -- 499. (RESERVED)

500. AREAS CLOSED TO HUNTING OF BIG GAME ANIMALS.

In addition to the closures specified in IDAPA 13.01.07.300, "Rules Governing Taking of Wildlife." (3-31-22)

01. Mountain Lions and Gray Wolves. No person may hunt or pursue mountain lion or gray wolf within one-half (1/2) mile of any active Department big game feeding site, except on private property. (3-31-22)()

02. Black Bear, Grizzly Bear, and Gray Wolves. No person may hunt or pursue black bear, grizzly bear, or gray wolf within two hundred (200) yards of the perimeter of any designated dump ground or sanitary landfill. (3-31-22)

501. -- ~~75~~99. (RESERVED)

~~86~~00. EMERGENCY DEPREDAATION HUNTS.

01. Eligibility. (3-31-22)

a. Only ~~Idaho~~ residents with a valid ~~Idaho~~ hunting or combination license are eligible to apply ~~to participate in for big game~~ emergency depredation hunts. Section 36-106(e)(5), Idaho Code provides an exception for tag issuance to nonresident landowners residing in a contiguous state. (3-31-22)()

b. ~~Persons submitting a~~Applications for emergency depredation hunts ~~are eligible to apply for~~ does not affect eligibility for general hunts or other controlled hunts ~~or may hunt in the general season.~~ (3-31-22)()

02. Applications. (3-31-22)

a. A person may submit no more than one (1) emergency depredation hunt application per year for each species ~~deer, elk, pronghorn, black bear, or gray wolf.~~ Applications submitted for the same species in more than one region will result in disqualification from all regions. (3-31-22)()

b. ~~An individual or a group may apply. A group is defined as t~~Two (2) ~~hunters applying~~ people may

apply as a group for the same depredation hunt on the same application. If a group application is selected, both hunters will be offered depredation hunt tags if two or more tags are available. ~~If an~~ An individual who submits applications for more than one (1) species, ~~he~~ does not have to apply in the same group or area for each application.

(3-31-22)()

c. Any form not properly completed ~~will be~~ is ineligible for selection.

(3-31-22)()

~~d. Any holder of an antlerless or doe/fawn, or black bear controlled hunt tag will be considered an applicant for any depredation hunt for that species which is:~~

(3-31-22)

~~i. Held prior to the antlerless or doe/fawn, or black bear controlled hunt; and~~

(3-31-22)

~~ii. Is in the same area as the depredation.~~

(3-31-22)

~~e. Any holder of an antlerless or doe/fawn, or black bear controlled hunt tag may also apply for a depredation hunt in any region.~~

(3-31-22)

~~f.d.~~ A list of depredation hunt applications received will be maintained for the time period July 1 to June 30. Applications are valid only for the time period for which they are submitted.

(3-31-22)

03. Selection of Participants. The Department will place all applications (individual or group) for each depredation hunt received by June 30 in random order. All applications received after June 30 will be placed at the end of the list in the order received, except that priority will be given to military personnel returning from active duty ~~will be given priority~~. The Department will select participants for a hunt in the order in which applicants appear on the list.

()

04. Controlled Hunt Tagholder Exception. ~~except f For those emergency depredation~~ hunts that precede, ~~or at the discretion of the Regional Supervisor, follow a controlled hunt for~~ or run concurrently with a doe/fawn, ~~or antlerless, animals or black bear. If a depredation hunt is scheduled before or, at the discretion of the Regional Supervisor, after a doe/fawn or antlerless hunt or black bear hunt in the same unit, the holders of the doe/fawn or antlerless tags or black bear tag will be given the option to hunt in the depredation hunt. If no doe/fawn or antlerless or black bear hunts are scheduled in that unit, or if some depredation hunt tags are not taken by controlled hunt hunters, participants will be selected from applicants for that depredation hunt. If a group application is selected, both hunters will be offered depredation hunt tags controlled hunt in the same area, the holders of those controlled hunt tags will be given the option to use that controlled hunt tag in the depredation hunt for that species before tags are made available to individuals on the application list. The regional supervisor has discretion to: (1) allow holders of unfilled doe/fawn, antlerless, or black bear controlled hunt tags for hunts that have ended in the same area to use those tags in the depredation hunt; (2) waive weapon restrictions that apply to a controlled hunt tag if used in the area of the depredation hunt.~~

(3-31-22)()

05. Effect on Bag/Possession Limits. A depredation hunt tag authorizes the take of one (1) big game animal, which may be in addition to the annual bag and possession limits for that species by use of another controlled or general hunt tag.

()

601. -- 609. (RESERVED)

610. HERD HEALTH KILL AUTHORIZATION.

01. Authorization. The director may issue herd health kill authorizations to private landowners for the control, eradication, minimization, or management of wildlife disease. Private landowners or their designees may take the number of animals authorized by the director, only on the private property of the landowner to whom the authorization was issued, and subject to compliance with any requirements specified in the authorization.

()

02. Possession for Personal Use. The director's authorization may allow landowners or their designee(s) to keep edible portions of animals taken for their personal use, in addition to other big game animals they may lawfully possess, provided they comply with any specified sampling requirements.

()

03. Tag Eligibility. The use or possession of a herd health kill authorization does not affect the possessor's eligibility for other game tags. ()

611. -- 699. (RESERVED)

700. USE OF BAIT FOR HUNTING BIG GAME.

Bait may be used to hunt only black bear and only under the following conditions, except gray wolf may be taken incidentally to bear baiting. ()

01. Time. ()

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

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

02. Location. ()

a. No bait site may be located within two hundred (200) feet of any water (lake, pond, reservoir, year-round free flowing spring, or year-round free flowing stream). ()

b. No bait site may be located within two hundred (200) yards from any maintained trail or any established roadway; except in the Panhandle and Clearwater Regions, no bait site may be located within two hundred (200) feet from any maintained trail or any established roadway. ()

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

03. Types. ()

a. No person may use any part of a domestic or wild origin game bird, big game animal, upland game animal, game fish, or protected nongame wildlife for bait or scent. ()

b. The skin must be removed from any mammal parts or carcasses used as bait. ()

c. No person may use salt in any form (liquid or solid) for bait. ()

04. Containers. ()

a. No bait may be contained within paper, glass, wood or other non-biodegradable materials, except that a single, rigid container with a maximum size of fifty-five (55) gallons may be used if securely attached at the bait site. ()

b. No bait may be contained in any excavated hole greater than four (4) feet in diameter. ()

05. Establishment of Bait Sites. ()

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

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

701. BAITING PERMIT.

01. Baiting Permit. ()

a. Baiting permits are issued by mail or in person from Department offices beginning March 1 of each year. ()

b. Baiting permits are valid for the calendar year in which they are issued. ()

02. Use of Baiting Permit. ()

a. Any person placing bait must possess a baiting permit issued by the Department. ()

b. A person may possess only one (1) baiting permit each year and may maintain not more than three (3) bait sites. A licensed outfitter may maintain additional bait sites if the number of sites is approved in writing by the landowner or land management agency. ()

c. No person may hunt over an unlawful bait site. ()

d. Guides and clients of outfitters (who have a bait permit and are licensed under title 36, chapter 21, Idaho Code) are exempt from possessing a baiting permit, provided they have a copy of the outfitter's permit in their possession while placing bait or hunting over the outfitter's permitted bait site. ()

702. USE OF BAIT BY A GRIZZLY BEAR.

Any person placing bait to hunt black bear, hunting at a bait site, or witnessing the use of a bait site by a grizzly bear must immediately report use of the bait by a grizzly bear to the Department. No person may hunt black bear over such a bait site for the remainder of the current black bear hunting season. The bait site(s) will be closed for the remainder of the current black bear hunting season and the bait must be removed as soon as possible. ()

~~801~~**703.** -- 999. (RESERVED)

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.16 – TRAPPING OF WILDLIFE AND TAKING OF FURBEARING ANIMALS

DOCKET NO. 13-0116-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

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

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

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 rulemaking concerns the comprehensive review of current IDAPA 13.01.16, “Trapping of Wildlife and Taking of Furbearing Animals,” in compliance with [Executive Order 2020-01](#). The agency has identified some technical, duplicative, and non-substantive modifications to be evaluated for integration.

The agency added clarifying language in the ‘bait’ definition and increased accidental take reimbursement to \$25 for bobcat, otter, or fisher. Additional proposed changes include: a new allowance for director or supervisor discretion to authorize use of certain snow-covered routes, restrictions on trapping near wildlife crossing structures, clarification around trapping on private property, and improved agency flexibility regarding allowance of trapping on game preserves and agency owned or controlled lands.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2024 Idaho Administrative Bulletin, [Volume 24-5, pages 192-193](#).

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

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 22, 2025.

DATED this 4th day of August, 2025.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771
Email: [Comment Here](#)

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0116-2401
(ZBR Chapter Rewrite.)

13.01.16 – TRAPPING OF WILDLIFE AND TAKING OF FURBEARING ANIMALS

000. LEGAL AUTHORITY.

Sections 36-104(b) and 36-1101(a), Idaho Code, ~~authorize the Commission to adopt rules concerning trapping of wildlife and taking of furbearing animals.~~ (3-31-22)()

001. ~~TITLE AND SCOPE.~~

~~The title for this chapter for citation is IDAPA 13.01.16, “Trapping of Wildlife and Taking of Furbearing Animals.”~~
These rules govern the trapping of wildlife and taking of furbearing animals. (3-31-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

IDAPA 13.01.06, ~~“Rules Governing Classification and Protection of Wildlife”~~ defines game animals, furbearing animals, and unprotected wildlife. Section 36-201, Idaho Code, defines predatory wildlife. (3-31-22)()

01. Bait. Any animal parts; except bleached bones or natural liquid scent. (3-31-22)()

02. Sets. (3-31-22)

a. Ground Set. Any foothold trap, body-gripping trap, or snare originally set in or on the land (soil, rock, etc.), which includes any traps elevated up to a maximum of thirty-six (36) inches above the natural ground level. (3-31-22)

b. Water Set. Any trap or snare originally set in or on any body of water, which includes traps on floats in the water and those that are set with a minimum of one-third (1/3) of the trap submerged. Water sets includes traps set on beaver dams, in bank holes and in the water at bank slides. (3-31-22)()

c. Other Sets. Any set not defined as a ground or water set, including without limitation, elevated sets originally set thirty-six (36) inches or more above natural ground level. (3-31-22)

03. Public Trail. Any trail designated by any city, county, state, or federal transportation or land management agency on the most current official map of the agency. (3-31-22)

011. -- 099. (RESERVED)

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: (3-31-22)

01. Name and Address. In legible English the name and current address of the trapper; or (3-31-22)

02. Number. A six (6) digit number, to be obtained by the trapper from any Department office upon the issuance of the trapper’s first trapping license. (3-31-22)()

~~Any person assigned a six (6) digit number to mark his traps or snares must notify the Department in writing or in person at any Department Office within thirty (30) days of any change in address.~~ (3-31-22)

101. -- 149. (RESERVED)

150. CONTROLLED TRAPPING 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. A permit issued based on erroneous information will be invalidated by the Department. The Department will notify the individual of the invalidation, and that person will not be eligible for a controlled trapping permit that year or in a succeeding year to which a waiting period applies. (3-31-22)

02. Eligibility. Any person possessing a valid Idaho trapping license is eligible to apply for a controlled trapping unit permit. (3-31-22)

03. Applications. Applications for controlled trapping permits will be made on a form prescribed by the Department. The Department will only consider applications received at ~~the its~~ Headquarters Office ~~of the Department~~ or postmarked not later than September 15 of each year. Any application that is unreadable, has incomplete or incorrect trapping license numbers, or lacks mandatory information or fee will be declared void and will not be entered in the drawing. All applications will be considered final and cannot be resubmitted after correction. (3-31-22)()

a. No person may submit more than one (1) application per species for a controlled trapping permit. (3-31-22)

b. No group applications will be accepted. (3-31-22)

04. Controlled Trapping Permit Drawing. (3-31-22)

a. Applications 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. (3-31-22)()

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. (3-31-22)

c. Any permits left unfilled after the second-choice drawing may be issued on a first-come, -first-served basis. (3-31-22)()

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. (3-31-22)

06. Revocation of Permits. ~~The Department may revoke the permit of~~ Any permittee who does not comply with Title 36, Idaho Code, administrative rules, or trapping unit instructions ~~may have his permit revoked.~~ (3-31-22)()

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 ~~U~~unit as approved by the Regional Supervisor. (3-31-22)()

151. -- 199. (RESERVED)

200. TRAPS.

01. Checking Traps. (3-31-22)

a. No person may place snares or traps for gray wolf, furbearing animals, predatory or unprotected wildlife, except pocket gophers, ground squirrels and other unprotected rodents, without visiting every trap or snare

once every seventy-two (72) hours and removing any catch therein. (3-31-22)

b. Trappers acting as government employees or contractors are exempt from this rule. (3-31-22)

02. Removing Trapped Animals of Another. No person may remove wildlife from the trap or snare of another except licensed trappers with written permission from the owner. (3-31-22)

03. Release of Non-Target Catches. (3-31-22)

a. All non-target species caught alive shall be released immediately. Non-target species are defined as any species caught for which the season is closed or is in excess of the trapper's limit. (3-31-22)

b. Any trapper who catches a non-target species that is dead shall: (3-31-22)

i. Promptly record the date and species of animal caught and include this information in the mandatory furtaker harvest report. (3-31-22)

ii. Remove the animal from the trap and take it into possession. (3-31-22)

iii. Notify the Department through the local Conservation Officer or Department office within seventy-two (72) hours to make arrangements ~~to transfer the animal to the Department~~ with the Department for disposition of the animal. (3-31-22)()

c. The Department will reimburse trappers ~~ten~~ twenty-five dollars (\$~~10~~25) for each bobcat, ~~lynx, wolverine,~~ otter, or fisher caught accidentally and turned in. (3-31-22)()

201. -- 399. (RESERVED)

400. FURBEARING ANIMALS – METHODS OF TAKE.

No person may take beaver, muskrat, mink, marten, or otter by any method other than trapping. No person may use dogs for the taking of furbearing animals, except in accordance with IDAPA 13.01.15, ~~“Rules Governing the Use of Dogs.”~~ (3-31-22)()

401. -- 449. (RESERVED)

450. LIMITS ON TRAPPING.

01. Game Animals. No person may trap for game birds or game animals, except gray wolf. (3-31-22)

02. Bait. No person trapping for gray wolf, furbearing animals, or predatory or unprotected wildlife may use for bait or scent: (3-31-22)

a. Any part of a game bird, big game animal, upland game animal, game fish, or protected nongame wildlife; EXCEPT: (3-31-22)

i. Trappers may use portions of game birds, game animals, and game fish that are not edible portions, as defined by Section 36-1202, Idaho Code, and may use parts of accidentally killed wildlife salvaged in accordance with IDAPA 13.01.10, ~~“Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife,” Subsections Paragraphs~~ 300.02.c. and 300.02.d., unless such use is prohibited in areas identified by Commission Proclamation, adopted and published in accordance with Section 36-105(3), Idaho Code. (3-31-22)()

ii. Trappers may place sets near a big game animal that has died naturally and the carcass has not been repositioned for trapping purposes. Natural causes do not include any man-caused mortality. (3-31-22)

b. Live animals. (3-31-22)

03. Limits on Sets. No person trapping for gray wolf, furbearing animals, or predatory or unprotected

wildlife may: (3-31-22)

a. Use any set within thirty (30) feet of any visible bait. (3-31-22)

b. Use a dirt hole ground 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. (3-31-22)

c. Place any ground sets on, across, or within ten (10) feet of the edge of any maintained unpaved public trail. (3-31-22)

d. Place any ground set on, across, or within any public highway as defined in [Section 36-202, Idaho Code](#); ~~except ground sets may be placed underneath bridges and within and at culverts that are part of a public highway right-of-way.~~ (3-31-22)()

i. ~~Except ground sets by may placed on snow-covered routes where authorized at the discretion of the director or regional supervisor; or~~ ()

ii. ~~Except ground sets may be placed underneath bridges and within and at culverts that are part of a public highway right-of-way, where they are not part of a wildlife crossing structure (overpass or underpass, and any related fencing, constructed to pass wildlife across the public highway).~~ ()

e. Place any ground set incorporating snare, trap, or attached materials within three hundred (300) feet of any designated public campground, trailhead, paved trail, or picnic area; except cage or box live traps may be placed within these areas as allowed by city, county, state, and federal law. (3-31-22)

f. Place or set any ground set snare without a break-away device or cable stop incorporated within the loop of the snare. (3-31-22)

g. Place any ground set incorporating a foothold trap with an inside jaw spread greater than nine (9) inches. (3-31-22)

h. Place or operate, except as a waterset, any body-gripping trap that has a maximum jaw opening, when set, of greater than seven and one-half (7 1/2) inches measured from the inside edges of the body-gripping portions of the jaws, within thirty (30) feet of any bait, lure, or other attractant. (3-31-22)

i. Place or operate, except as a waterset, any body-gripping trap that has a maximum jaw opening, when set, greater than six and one half (6 1/2) inches and less than seven and one-half (7 1/2) inches measured from the inside edges of the body-gripping portions of the jaws, unless: (3-31-22)

i. The trap is in an enclosure and the trap trigger is recessed seven (7) inches or more from the top and front most portion of the open end of the enclosure; (3-31-22)

ii. No bait, lure, or other attractant is placed within thirty (30) feet of the trap; or (3-31-22)

iii. The trap is elevated at least three (3) feet above the surface of the ground or snowpack. (3-31-22)

451. -- 454. (RESERVED)

455. GRAY WOLF TRAPPING.

01. Limits on Sets. No person trapping for gray wolf may: (3-31-22)

a. Use any set, EXCEPT a ground set. (3-31-22)

b. Trap for any gray wolf within one-half (1/2) mile of any active Department big game feeding site, ~~except on private property.~~ (3-31-22)()

c. Trap for gray wolf within two hundred (200) yards of the perimeter of any designated dump ground or sanitary landfill. (3-31-22)

d. Place or set any ground set snare without two (2) diverters in an area identified by Commission Proclamation as requiring their use (based on levels of non-target catch of animals whose capture may be avoided by diverter use). (3-31-22)

456. -- 499. (RESERVED)

500. MANDATORY CHECK AND REPORT – PELT TAGS.

01. Mandatory Check and Report. Any person taking ~~river otter, bobcat, or gray wolf~~ the following species must comply with the specified mandatory check, report and pelt tag requirements by: (3-31-22)()

a. Bobcat: Present the pelt to any Department office or official check point to obtain the appropriate pelt tag and complete a harvest report. (3-31-22)

b. River otter: Present the pelt to the Department office in the region in which the animal was taken within seventy-two (72) hours of taking, to obtain the appropriate pelt tag and complete a harvest report. 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. (3-31-22)()

c. Gray wolf: Comply with mandatory check and report provisions in IDAPA 13.01.08.420, “Rules Governing Taking of Big Game Animals.” (3-31-22)()

d. Wildlife listed on the federal list of threatened and endangered species: Report any capture within twenty-four (24) hours to the Department. ()

02. Pelt Tags. (3-31-22)

a. No person may have in possession, except during the open season and for ten (10) days after the close of the season, any raw bobcat pelt without an official state export tag attached, unless that person has a fur buyer or taxidermist license or appropriate import documentation. (3-31-22)

b. No person may 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 that does not have an official state export tag attached. (3-31-22)

c. No person may sell, offer for sale, purchase, or offer to purchase any raw bobcat or otter pelt that does not have an official state export tag attached, unless that person has a fur buyer or taxidermist license or appropriate import documentation. (3-31-22)

501. -- 599. (RESERVED)

600. TRAPPING ON GAME PRESERVES AND ~~WILDLIFE MANAGEMENT AREAS~~ DEPARTMENT-OWNED OR CONTROLLED LANDS.

01. Game Preserves ~~and Wildlife Management Areas.~~ All The Commission may, by proclamation, open state game preserves (established by Title 36, Chapter 19, Idaho Code) for and Department Wildlife Management Areas (WMAs) are open to the taking of furbearing animals during the open season declared for the areas in which they lie, provided that any person desiring to trap on a WMA must register in advance, either at WMA headquarters or at the Department regional office. (3-31-22)()

02. ~~Restrictions~~ Department-Owned or Managed Land. ~~The Regional Supervisor where a wildlife management area (WMA) is located may establish limits on the number of trappers allowed on the WMA, a method of equitable allocation of trapping opportunity on a WMA, the number and types of sets allowed, and posting and~~

~~reporting requirements~~ Any person desiring to trap on Department-owned or controlled lands must register in advance at the Department Regional office or the office for the specific Wildlife Management Area. The Regional Supervisor may establish and post, pursuant to IDAPA 13.01.03, additional restrictions or requirements for trapping on a property-specific basis. (3-31-22)()

601. – 699. (RESERVED)

700. COMMON SEASON BOUNDARIES FOR STREAMS AND RIVERS.

Whenever a stream or river forms a boundary between two (2) different trapping areas, the stream or river channel proper will open for trapping on the earlier opening date and close on the later closing date of the two (2) seasons involved. (3-31-22)

701. – 799. (RESERVED)

800. TRAPPING REPORTS.

01. Trapping Report Completion. ~~By July 31, all trappers~~ A trapping license holder shall ~~fill out~~ complete the mandatory furtaker (trapping) harvest report, including both target and non-target catch, for the trapping license year by submission on the Department form via the Department website, in person at a Department office, or by mailing to Box 25, Boise, Idaho 83707. ~~Any trapper failing to make such a report by July 31 will be refused a~~ Unless a trapping license holder has submitted a report for that respective trapping license year, that person is not eligible for a trapping license ~~to trap animals~~ for the ~~ensuing~~ following trapping license year ~~until a late report is submitted~~. (3-31-22)()

02. Return of Reports and Permits. All permittees shall return their controlled trapping unit permits and controlled trapping reports to the person from whom they obtained their controlled trapping unit permits within ten (10) days of the close of the season for the controlled trapping unit. (3-31-22)

801. -- 999. (RESERVED)

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.17 – RULES GOVERNING USE OF BAIT FOR HUNTING BIG GAME ANIMALS

DOCKET NO. 13-0117-2401 (ZBR CHAPTER REPEAL)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Sections 36-104\(b\)](#), [36-409](#), [36-1101A](#), and [36-1105](#), 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 15, 2025.

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 rulemaking concerns the comprehensive review of current [IDAPA 13.01.17](#), “Rules Governing the Use of Bait for Hunting Big Game Animals,” in compliance with [Executive Order 2020-01](#). Upon review, the Department determined the content of this chapter is best suited in [IDAPA 13.01.08](#), Rules Governing Taking of Big Game Animals. As such, the Department is proposing to repeal IDAPA 13.01.17 and add the reviewed and edited content to IDAPA 13.01.08. Rulemaking meetings evaluated the content of 13.01.17, independent of chapter 13.01.08. The result of the rulemaking meetings and public comment is reflected in new language added to chapter 13.01.08.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 1, 2024 Idaho Administrative Bulletin, [Volume 24-5, pages 194-195](#).

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

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 22, 2025.

DATED this 4th day of August, 2025.

Amber Worthington, Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771
Email: [Comment Here](#)

IDAPA 13.01.17 IS PROPOSED TO BE REPEALED IN ITS ENTIRETY.

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.19 – RULES FOR SELECTING, OPERATING, DISCONTINUING, AND SUSPENDING VENDORS

DOCKET NO. 13-0119-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections [36-301](#) and [36-307](#), 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 15, 2025.

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 rulemaking concerns the comprehensive review of current chapter [IDAPA 13.01.19](#), “Rules for Selecting, Operating, Discontinuing, and Suspending Vendors,” in compliance with [Executive Order 2020.01](#). The agency has identified some technical, duplicative, and non-substantive modifications to be evaluated for integration.

The agency removed vendor classifications to simplify the approval process, added a ‘community benefit’ component to allow for applicants who previously would have not been qualified, added language to make vendor application disqualification or contract cancellations more structured and easier to understand and enforce, removed eligibility for out-of-state applicants (except those grandfathered in), and added a provision to allow vendors to collect a credit card fee.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Volume 25-5](#), pages 44-45.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Amber Worthington at (208) 334-3771 or amber.worthington@idfg.idaho.gov.

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 22, 2025.

DATED this 4th day of August, 2025.

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Phone: (208) 334-3771
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0119-2501
(ZBR Chapter Rewrite.)

13.01.19 – RULES FOR SELECTING, OPERATING, DISCONTINUING, AND SUSPENDING VENDORS

000. LEGAL AUTHORITY.

Sections 36-301 and 36-307, Idaho Code ~~authorize the Commission to adopt rules governing issuance and sale of licenses and authorization and accountability of license vendors.~~ (3-31-22)()

001. ~~TITLE AND SCOPE.~~

~~The title of this chapter for citation is IDAPA 13.01.19, “Rules for Selecting, Operating, Discontinuing, and Suspending Vendors.” These rules~~ This Chapter ~~establishes~~ standards for license vendors and related administration. (3-31-22)()

002. -- 099. (RESERVED)

~~100. VENDOR CLASSIFICATION.~~

~~The Department classifies vendor applications into the following designations for record keeping, approval, and statistical purposes.~~ (3-31-22)

~~01. Class One. A sporting goods store carrying a complete line of hunting and fishing supplies and other sporting equipment, and open at least five (5) days a week year round except for major holidays.~~ (3-31-22)

~~02. Class Two. A store with a section carrying a complete line of hunting and fishing supplies and other sporting equipment, and open at least five (5) days a week year round except for major holidays.~~ (3-31-22)

~~03. Class Three. A store that specializes in a single aspect of hunting or fishing such as gun, archery or fly fishing shops.~~ (3-31-22)

~~04. Class Four.~~ (3-31-22)

~~a. Strategic. A business or government agency located in an area where the Department has determined there is a need for the public to have licenses available. This may be in areas where there is no or very limited license availability within a twenty five (25) mile radius from established license vendors.~~ (3-31-22)

~~b. Exceptional Service. A business that can provide exceptional license availability in comparison to existing license vendors in the vicinity, such as a business open twenty four (24) hours a day, seven (7) days a week that would not be classified as a class one, two, or three vendor.~~ (3-31-22)

~~05. Class Five. A business not open on a twelve (12) month basis such as a summer fishing resort that would otherwise qualify for any class one through four, which may include an outfitter or guide business with a permanent business location open to the public.~~ (3-31-22)

~~06. Class Six. All other businesses that provide no special or exceptional service to the Department or public.~~ (3-31-22)

~~101.0.~~ APPLICATION.

01. Form. Applications will be on a form prescribed by the Department. (3-31-22)

02. Department Review. (3-31-22)

a. Application Review. ~~The Department will evaluate and determine approval or denial of vendor applications quarterly, on or before March 1, June 1, September 1, and December 1. The Department will have thirty (30) calendar days after receipt of all necessary forms to review and investigate the application. The date received plus thirty (30) days will determine into which quarterly evaluation each vendor application will be considered. Applications from the same area will be compared to determine which will best meet vendorship needs in that area. Exceptions may be made by the Department when there are overriding needs for an immediate replacement of a license vendor in an area. This will primarily occur where there would be no vendor services available to the public within a twenty five (25) mile radius.~~ (3-31-22)()

b. Field Review. After the License Section has received the application form and all other required information from an applicant, they will contact the ~~R~~regional Conservation Officer supervisor or a designated regional enforcement officer for a recommendation on the application. The ~~R~~regional Conservation Officer supervisor or enforcement officer will have ten (10) business days to provide the License Section with a recommendation on the application. (3-31-22)()

03. Applicant. (3-31-22)

a. Application. The Department will only consider license vendorship applications completed in their entirety and accompanied by an original copy of a current credit rating from a recognized credit bureau. The Department will only consider completed applications received by the License section no later than sixty (60) days after the date of the application transmittal letter. The Department may grant an applicant's request to extend this period for up to thirty (30) additional days. Any false or misleading response will void the application. (3-31-22)

b. Approved Application. If the Department approves an application, the applicant will have sixty (60) days from the date of the applicant's approval letter to provide the Department with a signed vendorship contract, and any bond, deposit, or documentation the Department may require. Failure to meet this deadline will void the approval except for extenuating circumstances approved by the Department. (3-31-22)

1021. SELECTION.

The following factors will be considered for selecting an applicant to become a license vendor: (3-18-22)

~~01. Low Numbered Vendors~~Community Benefit. ~~Applicants classified in lower numbered vendor classifications will be given priority over applicants in higher numbered classifications from the same general location.~~ Community benefit applicants may demonstrate a need within the community. The department will consider proximity to other vendors and relevance to hunters and anglers. (3-18-22)()

~~02. Class Six Applicants.~~ ~~Class six (6) applicants will be approved only when they demonstrate a significant public benefit to have a license vendorship at their location.~~ (3-18-22)

~~032. Unsettled Debts.~~ Applicants who have unsettled debts listed with a credit bureau will not be approved. Unsettled debts that are in dispute will not be considered against the applicant. (3-18-22)

~~043. Surety Bond.~~ The Department may require an applicant to provide for each location, a ten-thousand-dollar (\$10,000) surety bond from a corporate surety authorized to do business in the state of Idaho, which guarantees the payment of all state funds collected as a result of licenses issued by the vendor if it appears from the application or other information that an undue risk might otherwise be placed upon the Department in the absence of such bonding. Applicants who otherwise qualify for a vendorship and have been in business less than three (3) years will be required to furnish the Department with a ten thousand dollar (\$10,000) surety bond in the form and length as determined by the Director. Upon request, at the completion of two (2) years of service, the Department may release the vendor from the bonding requirement based on a review of financial risk. (3-18-22)()

~~054. Permanence and Accessibility.~~ Applicants who do not have a permanent place of business open and accessible to all segments of the public will not be approved. (3-18-22)

~~065. Number of Existing Vendors in Area.~~ The three (3) closest existing vendors, their hours and days of operation, ~~classification~~, accessibility to the public, and other pertinent information, including their distance to the applicant, will be compared to the applicant. (3-18-22)()

076. Minimum Sales Volume. If the applicant is seeking to replace an existing vendor at the prior vendor's location, the prior vendor's sales volume will be used to estimate the applicant's sales volume. (3-18-22)

087. Performance Record. An applicant who was a license vendor or ~~the~~ manager for a vendor within the past five (5) years will not be approved unless the applicant's performance record was satisfactory. (3-18-22)()

098. Fish and Game Violations. ~~No owner or store manager (if the applicant is a corporation) may have had a fish and game violation other than an infraction within the past five (5) years. An application will not be approved if any owner, store manager, or employee who is currently or prospectively issuing products for the department has: a vendor contract violation that has resulted in or may result in termination or suspension; or any fish and game violation other than an infraction within the past three (3) years; or any felony conviction within the past five (5) years.~~ (3-18-22)()

1032. ACTIVE VENDOR CEILING.
The number of active vendors, including approved vendor applicants, is limited to four hundred ~~seventy five (475400)~~. (3-31-22)()

1043. LICENSING SYSTEM.

01. License Issuance. A vendorship must issue licenses according to statutes, administrative rules, the vendorship contract, the License Vendor Manual, and Department instructions. (3-31-22)

02. Deposit Schedule. Amounts collected from the sale and issuance of licenses, along with the Department's share of the license issuance fee for each license will be deposited not less frequently than once every seven (7) calendar days in a bank account ~~prescribed by~~ from which the License Vendor has authorized remittance to the Department for its share of fees. (3-31-22)()

03. Reporting Time Period. The accounting and reporting time period is a calendar week (Sunday through Saturday). (3-31-22)

1054. -- 109. (RESERVED)

110. OUT-OF-STATE VENDORS.
~~In general, a~~ An out-of-state location will not be approved to sell licenses unless it is located in close proximity (within fifty (50) miles) to the Idaho border or deemed to have a compelling benefit for the Department, but existing out-of-state vendors may continue to be approved by the Department. (3-31-22)()

111. VENDOR LOCATION NOT MOVABLE.
No vendorship may be relocated to another area (address) without advanced written consent from the Department. (3-31-22)

112. TYPES OF LICENSES SOLD BY VENDOR.
The Department will determine what licenses each vendor may issue. (3-31-22)

113. -- 119. (RESERVED)

120. CONTRACT AGREEMENT VIOLATIONS.

01. Notices of Contract Violations. The Department will issue notices of contract violations whenever a vendor fails to make deposits, submit reports, ~~or send in voided or canceled licenses on time,~~ or issue licenses as instructed. (3-31-22)()

02. Intent to Suspend. Prior to suspending a vendor, a written notice of intent to suspend will be sent to the vendor, except where the Department determines that an emergency or a risk to the public is created by the vendor's conduct or where the vendor has failed to pay for any fund deficiency within the prescribed time, in which

cases the Department may terminate the vendor's agreement immediately. The vendor will have fifteen (15) days ~~in which~~ to submit a written dispute to the Department. (3-31-22)()

121. TERMINATION OR SUSPENSION OF VENDOR.

01. Grounds. The Department may terminate or suspend a license vendor on the following grounds: (3-31-22)

a. Failure to have sufficient funds for the electronic funds transfer (EFT) to the Department more than once during any twelve (12) month period. (3-31-22)

b. Failure to make good any fund deficiency to the Department within three (3) days of notification. (3-31-22)

c. Failure to follow any procedures specified by the Department for selling or reporting sales. (3-31-22)

d. Failure to comply with any terms of the contract agreement or failure to maintain the original criteria used in determining vendor eligibility. (3-31-22)

e. Fraud or deception in the vendor application. (3-31-22)

f. ~~Negligence in~~ Failure to obtain proof of residence or completion of the application portion of the license ~~could constitute grounds for suspension of a vendorship, whether intentionally or due to recurring negligence.~~ (3-31-22)()

02. Immediate Termination/Suspension. (3-31-22)

a. A vendorship will be terminated immediately upon the following grounds: (3-31-22)

i. Notice from the bonding company that the vendor's bond has been canceled. (3-31-22)

~~ii. Inactivity for a year.~~ (3-31-22)

iii. Receipt of two (2) suspensions in any three (3) year period. (3-31-22)

~~iv. ii.~~ Sale of the business that is the vendorship. (3-31-22)

iv. Felony conviction, or any conviction resulting in the revocation of fishing, hunting, or trapping privileges, by the owner, store manager, or employee issuing products on behalf of the Department. ()

b. A vendorship will be suspended immediately and may be terminated immediately upon the following grounds: (3-31-22)

i. Wildlife ~~violation of Fish and Game laws or rules, other than an infraction, by an owner, store manager, or employee issuing products on behalf of the Department.~~ (3-31-22)()

ii. Violation in the issuance of a license or in performance as a vendor. (3-31-22)

iii. Alteration of any license. (3-31-22)

iv. Three contract violations within any twelve- (12) month period. The vendorship will be suspended for up to one (1) year following such a third violation. (3-31-22)

03. Terminations – Minimum Sales. (3-31-22)

a. Incorporated City. ~~When a~~ Vendors located within an incorporated city that fails to ~~sell at least~~

~~three hundred (300) licenses~~ complete three hundred fifty (350) sales transactions during the first year of operation, or sell at least six hundred twenty-five (625) licenses during the second and subsequent years, ~~will be terminated~~ will be at the end of the calendar year. (3-31-22)()

b. ~~All Other Unincorporated Areas. All other v Vendors who located in unincorporated areas that~~ fail to ~~sell at least one hundred twenty-five (125) licenses~~ complete three hundred (300) sales transactions during the first year of operation, or at least ~~two hundred twenty-five (225) licenses~~ six hundred (600) transactions during the second and subsequent years, will be terminated at the end of the calendar year. (3-31-22)()

c. A vendorship not ~~selling the minimum number of licenses~~ completing the minimum number of transactions will not be terminated if the Department determines the service is necessary. (3-31-22)()

04. Application After Termination. An application after termination for reason of inactivity, sale of the business, or nonpayment of license fees will be processed as a new application. The Department will not consider an application for a vendorship terminated for nonpayment of license fees until the applicant makes payment in full of all outstanding fees, including interest charged at the legal rate for judgments. (3-31-22)

122. -- 129. (RESERVED)

130. ISSUING LICENSES AND TAGS.

01. Identification. A vendor will confirm proper identification and proof of residence as defined in IDAPA 13.01.04, ~~“Rules Governing Licensing,”~~ for every individual before issuing a resident license. Nonresident licenses and daily fishing licenses do not require identification. (3-31-22)()

02. Social Security Numbers. A vendor will enter into the licensing system the digits of social security number for any person who purchases a license, ~~as specified for compliance~~ in accordance with Section 73-122, Idaho Code, while protecting that number as confidential information and preventing its use for other purposes or release to any third party. (3-31-22)()

131. -- 149. (RESERVED)

150. PUBLIC MONIES.

All monies collected by a vendor are public monies of the state of Idaho and the state has a prior claim upon these monies over all creditors, assignees, or other claimants. (3-31-22)

151. VOIDED AND CANCELLED LICENSES.

No correction, alteration, or erasure may be made to an issued license. In case of error to an issued license, the vendor will must cancel the license via the license terminal through the cancel function ~~and return the original voided license and cancellation receipt to the Department at the week's end, to be postmarked on or before the following Wednesday. If the original license is not received when due, the vendor may be charged for the value of the license and immediately discard the license. Vendors may only cancel products in their possession.~~ (3-31-22)()

152. LOSS OF DOCUMENTS AND FEES.

A vendor is responsible for all lost documents and blank license stock, regardless of the reason for loss, and will keep all documents and blank license stock in a safe and secure place, preferably in a fireproof box or vault. The vendor will immediately notify the Department of any loss and submit a detailed report of the loss. (3-31-22)

153. INSPECTION AND AUDIT.

License records are subject to inspection and audit at all times by an authorized employee or agent of the Department or the State Controller's Office. (3-31-22)

154. TRANSFER AND SALE OF DOCUMENTS ISSUED TO VENDORS.

A vendor may only transfer blank license stock to a location not listed on the original application or to another license vendor with advance written permission from the Department. (3-31-22)

155. RETURN OF EQUIPMENT, LICENSE STOCK, FORMS, AND SUPPLIES.

A vendor will return any equipment and unused blank license stock, forms, and supplies to the Department immediately upon termination or request by the Department. (3-31-22)

156. INTERNET SERVICE PROVIDER (ISP).

Each ~~L~~icense ~~V~~endor will provide their own Internet Service Provider (ISP), at ~~V~~endor's cost, for the computerized license system. The ISP ~~can be dial up or any type of high speed~~ must provide internet access sufficient to process license sales transactions. (3-31-22)()

157. CREDIT CARD FEES.

Vendors may collect a credit card processing fee from customers for products purchased with a credit card equal to the amount of fees charged to the vendor for completing the transaction. Vendors may not collect any other fees in addition to the license and credit card fee. ()

1578. -- 199. (RESERVED)

200. CONTRACT TO TAKE LICENSE APPLICATIONS BY TELEPHONE OR OTHER ELECTRONIC METHODS.

The Department may contract with one (1) or more suppliers to take applications for licenses by telephone or other electronic methods, provided license issuance complies with this chapter and any contract provisions. Any such contract will provide for the deposit of any license fees collected by the supplier to be deposited with the State Treasurer within twenty-four (24) hours of effective receipt of the monies. The Department may, by written contract, allow the supplier ~~may to~~ collect a fee in addition to the license fee, which may be retained by the supplier. ~~This contract between the Department and supplier will establish the fee.~~ (3-31-22)()

201. -- 999. (RESERVED)

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING**

15.01.01 – RULES GOVERNING SENIOR SERVICES AND OLDER AMERICANS ACT PROGRAMS

DOCKET NO. 15-0101-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-5003](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Wednesday, October 8, 2025 10:00 a.m. (MT)
To attend in person: Idaho Commission on Aging 6305 W. Overland Road Suite 110 Boise, Idaho 83709 To attend via Microsoft Teams: Join the meeting now Meeting ID: 234 953 043 154 3 Passcode: Jp3b9aR9 Dial in by phone +1 208-985-2810,,52181951# United States, Boise Find a local number Phone conference ID: 521 819 51#

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:

These rules are being presented for authorization as part of the Idaho Commission on Aging’s plan to review each rule every 5 years under [Executive Order 2020-01, Zero-Based Regulation](#). The Commission seeks to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter by collaborating with the public to streamline or simplify language. The Idaho Commission on Aging intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules’ statutory authority and the Governor’s Executive Order.

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

There are no fees associated with this rulemaking.

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

There is no fiscal impact as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2nd, 2025, Vol. 25-7, p 48-49, Idaho Administrative Bulletin.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

There are no documents incorporated by reference associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Bettina Briscoe, 208-577-2858.

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 22, 2025.

DATED this 15th day of September, 2025.

Judy Taylor, Director
Idaho Commission on Aging
6305 Overland Rd., Suite 110
Boise, ID 83709
Phone: 208-334-3833
Email: ICOA@aging.idaho.gov
Website: <https://aging.idaho.gov/>

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 15-0101-2501
(ZBR Chapter Rewrite.)

15.01.01 – RULES GOVERNING SENIOR SERVICES AND OLDER AMERICANS ACT PROGRAMS

000. LEGAL AUTHORITY.

~~Under authority of~~ [Section 67-5003](#), Idaho Code, ~~the Idaho Commission on Aging adopts the following rules.~~
(3-31-22)()

001. ~~TITLE AND SCOPE.~~

~~01. Title.~~ These rules are titled ~~IDAPA 15.01.01, “Rules Governing Senior Services and Older Americans Act Programs.”~~
(3-31-22)

~~02. Scope.~~ These rules constitute minimum requirements for aging services funded under authority of ~~Sections 67-5005 through 5008~~ [Title 67 Chapter 50](#), Idaho Code, and the [Older Americans Act of 1965](#) as ~~Amended (OAA)~~, and ~~include a list of common terms and definitions~~ [45 CFR Part 1321](#) related to Idaho’s aging programs ~~and services.~~
(3-31-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

~~01. Act. The Idaho Senior Services Act. Programs and services established in Sections 67-5001 through 67-5011, Idaho Code. (3-31-22)~~

~~02. Aging Network. The ICOA, the AAAs, Focal Points and other providers of direct service to older individuals. (3-31-22)~~

~~03. Area Agency on Aging (AAA). Separate organizational unit within a unit of general purpose local government or public or private non-profit agency or organization agency that 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. (3-31-22)~~

~~041. Assessment. An instrument utilizing uniform criteria to assess eligibility. (3-31-22)~~

~~05. Caregiver. An adult family member or another individual, who is an “informal” provider of in-home and community care to an older individual. “Informal” means that the care is not provided as part of a public or private formal service program. (3-31-22)~~

~~062. Client. Person who has met service eligibility requirements addressed in this chapter. (3-31-22)()~~

~~03. Cognitive Limitations. The inability to perform one (1) or more of the following eight (8) instrumental activities of daily living without personal assistance, or stand-by assistance, supervision or cues: preparing meals, shopping for personal items, medication management, managing money, using telephone, doing heavy housework, doing light housework, and transportation ability (transportation ability refers to the individual's ability to make use of available transportation without assistance). ()~~

~~074. Cost Sharing Payment. An established payment required from individuals clients receiving services under this chapter. The cost sharing payment varies by regulation and according to client's current annual household or individual income. (3-31-22)()~~

~~08. Department. Idaho Department of Health and Welfare. (3-31-22)~~

~~05. Eligibility. Someone who may receive services in alignment with federal and state law, operational guidance, and budget constraints. ()~~

~~096. Focal Point. A facility established identified to encourage facilitate the maximum collocation and coordination of services for older individuals. (3-31-22)()~~

~~407. Formal Supports. Services provided to clients by a formally organized entity, including, but not limited to, Medicaid HCBS. (3-31-22)~~

~~08. Functional Limitation. The inability to perform one (1) or more of the following six (6) activities of daily living without personal assistance, stand-by assistance, supervision or cues: eating, dressing, bathing, toileting, transferring in and out of bed/chair, and walking. ()~~

~~409. Household. For sliding fee purposes, a “household” includes a client and any other person permanently resident in the same dwelling who share accommodations and expenses with the client. (3-31-22)~~

~~42. ICOA. Idaho Commission on Aging. (3-31-22)~~

~~43. ICOA Program Manual. Operational guidance for services and programs. (3-31-22)~~

~~14. Impairment in Activities of Daily Living (ADL). The inability to perform one or more of the following six activities of daily living without personal assistance, stand-by assistance, supervision or cues: eating, dressing, bathing, toileting, transferring in and out of bed/chair, and walking. (3-31-22)~~

~~15. **Impairment in Instrumental Activities of Daily Living (IADL).** The inability to perform one or more of the following eight instrumental activities of daily living without personal assistance, or stand by assistance, supervision or cues: preparing meals, shopping for personal items, medication management, managing money, using telephone, doing heavy housework, doing light housework, and transportation ability (transportation ability refers to the individual's ability to make use of available transportation without assistance).~~ (3-31-22)

~~160. **Informal Supports.** Supports provided by church, family, friends, and neighbors, usually at no cost to the client.~~ (3-31-22)

~~171. **Medicaid-HCBS Services. Programs and S**~~services approved under ~~the Medicaid-Waiver~~ for the aged and disabled. (3-31-22)()

~~182. **Older Americans Act, as Amended (OAA).** Federal law which authorizes funding to states to provide home and community-based services for older persons.~~ (3-31-22)()

~~19. **Program.** The Idaho Senior Services and Older Americans Act programs as administered by the~~ ICOA. (3-31-22)

~~20. **Program Regulations.** Applicable Federal statutes and regulations, the act, and these rules.~~ (3-31-22)

~~213. **Provider.** An Area Agency on Aging (AAA) or a person or entity capable of providing services to clients under a formal contractual arrangement including duly authorized agents and employees.~~ (3-31-22)()

~~22. **Services.** Long-term services and supports that assist clients to remain in their home and community including but not limited to: Transportation, congregate meals, in-home services, adult day care and information and assistance.~~ (3-31-22)

~~011. **DEMONSTRATION PROJECTS.**~~

~~The Administrator has authority to operate demonstration projects under the authority of section 67-5010, Idaho Code, which may be exempt from these rules at the Administrator's discretion.~~ (3-31-22)

~~012. **PROGRAM PURPOSE.**~~

~~The Idaho Senior Services Act and Older Americans Act Services are designed to provide older individuals with the assistance they need to compensate for functional or cognitive limitations with the goal of living safe, dignified, and healthy lives within the community of their choice.~~ (3-31-22)

011. – 012. (RESERVED)

013. **PROGRAM POLICY.**

~~01. **Idaho Commission On Aging (ICOA) Program Manual.** ICOA program manual includes but not limited to the published operations manual, planning manual, policies and procedures, standardized forms and assessments, review toolkits, and any other official ICOA guidance. The manual is developed, modified, and updated with input from the appropriate stakeholder groups and approved by the Administrator. At the Administrator's discretion, the manual may be modified to adhere to state or federal law, ~~or~~ regulations, or best practices.~~ (3-31-22)()

~~02. **Contracts.** The ICOA may contract with Providers to deliver home and community-based services in accordance with the regulations.~~ (3-31-22)

~~032. **Home and Community-Based Programs and Services.** Programs and Sservices offered by ICOA may include, but are not limited to:~~ (3-31-22)()

~~a. **Adult Day Care.** Personal care for clients in a supervised, protective, and congregate setting during some portion of a day. Services offered in conjunction with adult day care/adult day health typically include social and recreational activities, training, counseling, and services such as rehabilitation, medications assistance and home~~

~~health aide services for adult day health.~~ (3-31-22)()

~~b. Case Management. Case management is a service provided to clients, at the direction of the individual or a family member of the individual, to assess the needs of the 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 individual; development and implementation of a service plan with the individual to mobilize formal and informal resources and services; coordination and monitoring of formal and informal service delivery; and periodic reassessment.~~ (3-31-22)()

~~c. Chore Services. Providing assistance to clients who have functional limitations that prohibit them from performing tasks such as routine yard work, sidewalk maintenance, heavy cleaning, or minor household maintenance.~~ (3-31-22)()

~~d. Congregate Meals. A meal provided to an eligible individual in a congregate or group setting. The meal served must meet program requirements.~~ (3-31-22)()

~~e. Health Promotion and Disease Prevention. Services that include health screenings and assessments; organized physical fitness activities; evidence-based health promotion programs; medication management; home injury control services; and/or information, education, and prevention strategies for chronic disease and other health conditions that would reduce the length or quality of life of the person sixty (60) or older.~~ (3-31-22)()

~~f. Home-Delivered Meals. Meals delivered to clients in private homes.~~ (3-31-22)()

~~g. Home Modification.~~ ()

~~gh. 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.~~ (3-31-22)()

~~hi. Information and Assistance Services. Provides current information about services available within the community, conducts intake and assessment, determines the appropriate available service, and makes a referral and to the extent practicable, establishes adequate follow-up procedures.~~ (3-31-22)()

~~ij. Legal Assistance. Advice, counseling, or representation by an attorney or by a paralegal under the supervision of an attorney.~~ (3-31-22)()

~~jk. National Family Caregiver Program. that may include:~~ (3-31-22)()

~~i. Counseling. Assist caregivers in making decisions and solving problems relating to their caregiver roles. This includes counseling to individuals, support groups, and caregiver training (of individual caregivers and families).~~ (3-31-22)()

~~ii. Respite Care. Services which offer temporary, substitute supports or living arrangements for care recipients in order to provide a brief period of relief or rest for caregivers.~~ (3-31-22)()

~~iii. Supplemental sServices. Services provided on a limited basis to complement the care provided by caregivers. Examples of supplemental services include, but are not limited to, home modifications, assistive technologies, emergency response systems, and incontinence supplies.~~ (3-31-22)()

~~iv. Information Services. A service for caregivers that provides the public and individuals with information on resources and services available to the individuals within their communities.~~ (3-31-22)()

~~v. Access Assistance. A service that assists caregivers in obtaining access to the services and resources that are available within their communities. To the maximum extent practicable, it ensures that the individuals receive the services needed by establishing adequate follow-up procedures.~~ (3-31-22)()

~~kl. Outreach Services. A service which actively seeks out older individuals with greatest social and~~

~~economic needs with particular attention to low income older individuals, including low income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.~~

~~(3-31-22)()~~

~~**m.** Transportation Services. Services designed to transport clients to and from community facilities/ resources for the purposes of applying for and receiving services, reducing isolation, or otherwise promoting independence.~~

~~(3-31-22)()~~

~~**m.** Respite. Short term, intermittent relief provided to caregivers of an ADL or IADL impaired care recipient.~~

~~(3-31-22)()~~

014. PROGRAM ELIGIBILITY (RESERVED)

~~Individuals are eligible for specific Services as established by the Older Americans Act and Idaho Senior Services Act.~~

~~(3-31-22)~~

015. SERVICE PRIORITY.

~~Highest priority is given to clients in immediate jeopardy then those with the greatest degree of ADL or IADL deficits and who are lacking formal and informal supports other than a caregiver. Caregiver services are prioritized by the Administrator in accordance with the Program Regulations. Services are prioritized as described in ICOA program guidance and the accepted area agency on aging (AAA) local plans. Exceptions may be made for clients in immediate jeopardy or a waiver approved by the Administrator. During declared emergencies alternative criteria may be used.~~

~~(3-31-22)()~~

016. SERVICE LIMITATIONS AND EXCEPTIONS.

01. Cost Sharing Payments. Payments ~~are~~ may be required based on the sliding fee scale established by the Administrator in accordance with the ~~P~~program ~~R~~regulations.

~~(3-31-22)()~~

02. Service. Eligibility, denial, or termination are determined through the applicable ICOA Assessment.

(3-31-22)

03. Medicaid Home and Community Based Services (HCBS). Clients or individuals determined by the Idaho Department of Health and Welfare to be eligible for Medicaid or Medicaid HCBS, are not eligible for ~~S~~services unless the ~~S~~services are determined by the ~~P~~provider to be needed on an interim, emergency basis until Medicaid or Medicaid HCBS is initiated.

~~(3-31-22)()~~

017. -- 999. (RESERVED)

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO COMMISSION ON AGING**

15.01.20 – RULES GOVERNING AREA AGENCY ON AGING (AAA) OPERATIONS

DOCKET NO. 15-0120-2501 (ZBR CHAPTER REPEAL)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-5003](#), 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 15, 2025.

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:

As a part of the negotiated rulemaking process, the Commission determined that these rules are duplicative of federal law and contractual terms with the Area Agencies on Aging (AAA) and therefore, can be repealed.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees associated with this rulemaking.

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

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2nd, 2025, [Vol. 25-7, p 52-53](#), Idaho Administrative Bulletin.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: There are no documents incorporated by reference associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Bettina Briscoe, 208-577-2858.

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 22, 2025.

DATED this 15th day of September, 2025.

Judy Taylor, Director
Idaho Commission on Aging
6305 Overland Rd., Suite 110
Boise, ID 83709
Phone: 208-334-3833
Email: ICOA@aging.idaho.gov
Website: <https://aging.idaho.gov/>

IDAPA 15.01.20 IS PROPOSED TO BE REPEALED IN ITS ENTIRETY

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.08 – TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO (TAFI) PROGRAM

DOCKET NO. 16-0308-2501 (ZBR CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 56-202](#), 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:

This chapter is proposed to be repealed and replaced with Docket No. 16-0308-2502. Which has been reorganized into manageable sections and subsections, with duplicative and unnecessary language removed and combined with chapters 16.06.13 and 16.04.14. Any guidance already addressed in federal statute, the state plan, or operational procedures was eliminated to prevent redundancies and confusion. There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 2nd, 2025, Idaho Administrative Bulletin, [Vol. 25-7, page 59](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Fees will not be increased as a result of this rulemaking.

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

There is not anticipated to be a negative fiscal impact exceeding \$10,000.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at DHWRules@dhw.idaho.gov.

DATED this 1st day of October, 2025.

Jared Larsen
Chief, Legislative and Regulatory Affairs
Idaho Department of Health & Welfare
450 W. State Street, 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone
(208) 334-6558 fax
DHWRules@dhw.idaho.gov

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.08 – FEDERAL WELFARE PROGRAMS

DOCKET NO. 16-0308-2502 (ZBR NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2026 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with [Section 67-5224\(2\)\(c\)](#), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the Second Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 56-202](#), 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:

This chapter replaces what is proposed to be repealed in docket 16-0308-2501 and reorganizes it into manageable sections and subsections, with duplicative and unnecessary language removed. Any guidance already addressed in federal statute, the state plan, or operational procedures was eliminated to prevent redundancies and confusion.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. Section 112 was amended to correct a term updated elsewhere in the rule. Sections 200 and 201 were amended to correct verbiage that clarifies the rule and is consistent with the State Plan. The complete text of the proposed rule was published in the July 2nd, 2025, Idaho Administrative Bulletin, [Vol. 25-7, pages 60 through 65](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Fees will not be increased as a result of this rulemaking.

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

There is not anticipated to be a negative fiscal impact exceeding \$10,000.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at DHWRules@dhw.idaho.gov.

DATED this 1st day of October, 2025.

Jared Larsen
Chief, Legislative and Regulatory Affairs
Idaho Department of Health & Welfare
450 W. State Street, 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone
(208) 334-6558 fax
DHWRules@dhw.idaho.gov

DOCKET NO. 16-0308-2502 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 25-7, July 2, 2025, pages 60 through 65.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2026 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 16-0308-2502

(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

16.03.08 – FEDERAL WELFARE PROGRAMS

112. INDIVIDUAL RESPONSIBILITY PLAN (IRP).

01. Individual Responsibility Plan. An Individual Responsibility Plan (IRP) must be negotiated and signed by the mandatory adult household members as defined in these rules, with all application activities completed before eligibility can be approved. The household must continue to comply with ongoing IRP requirements to remain eligible. ()

02. Modifications. If the participant cannot meet an IRP condition, the participant must notify the Department. The IRP may be renegotiated or modified when conditions change. ()

(BREAK IN CONTINUITY OF SECTIONS)

200. LIHEAP ELIGIBILITY.

To be eligible for LIHEAP, households must meet the following requirements: ()

01. Application. Submit a signed application or have active Supplemental Nutrition Assistance Program (SNAP) benefits in the current LIHEAP season (October to September); ()

02. Citizenship. Meet citizenship eligibility requirements; ()

03. Income. Meet income eligibility requirements; ()

04. Residency. Reside in Idaho; ()

05. Verifications. Provide requested verifications; ()

06. Benefits. Only one (1) LIHEAP regular assistance benefit and one (1) LIHEAP Crisis benefit per LIHEAP season; ()

07. Responsibility. A household member is responsible for home energy costs and incur the costs either directly or as a designated portion of their rent; and ()

08. Federal Income. Households in which one (1) or more individuals are receiving Supplemental Security Income (SSI) under Title XVI of the Social Security Act, SNAP, or means tested Veterans Affairs (VA) benefits are eligible for LIHEAP. ()

201. MANDATORY LIHEAP HOUSEHOLD MEMBERS.

All individuals or groups of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who make designated payments for energy as a portion of rent. ()

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
20.03.02 – RULES GOVERNING MINED LAND RECLAMATION
DOCKET NO. 20-0302-2401 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Sections 67-5220\(1\)](#) and [67-5220\(2\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 58-104\(6\)](#) and [58-105](#), Idaho Code, and [Title 47, Chapter 15](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Tuesday, October 7, 2025 2:00 p.m. (MT)
Idaho Department of Lands Boise Bureau Office Garnet Meeting Room 300 N. 6th Street, Suite 103 Boise, ID 83720
To attend any meeting via Microsoft Teams: Meeting Link: Join the meeting now Meeting ID: 282 279 897 290 9 Passcode: By3pT9aC
To attend by telephone call: +1 469-998-7393 Phone conference ID: 612 566 364#
All meetings will be available for video teleconference via a link posted on Idaho Department of Lands website at Rulemaking for IDAPA 20.03.02 - Department of Lands

The meeting sites will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting by contacting the department at the address below.

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

Following [Executive Order 2020-01: Zero-Based Regulation](#), this rule chapter is scheduled to be assessed and rewritten by the agency in 2025 for review during the 2026 legislative session. The department anticipates reducing the overall regulatory burden by reducing both total word count and the number of restrictive words during the rewrite of the rule chapter. The department reviewed the rule with stakeholders to solicit comments on the draft rules. The department seeks to modify language for consistency within the rule, with statutes, and with other state rules.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: This rule will have no fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 2, 2025 Idaho Administrative Bulletin, [Vol. 25-4, pages 33-35](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

There are no documents incorporated by reference in this rule chapter.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Andy Mork, PG, Minerals Program Manager at (208) 334-0247 or amork@idl.idaho.gov.

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 22, 2025.

DATED this 29th day of August, 2025.

Andy Mork, PG, Minerals Program Manager
Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, Idaho 83720-0050
Phone: (208) 334-0247
Fax: (208) 334-3698
rulemaking@idl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0302-2401
(ZBR Chapter Rewrite.)

20.03.02 – RULES GOVERNING MINED LAND RECLAMATION

000. LEGAL AUTHORITY.

Title 47, Chapter 15 (“chapter”), Idaho Code, ~~authorizes the Board to promulgate rules pertaining to mineral exploration; mining operations; reclamation of lands affected by exploration and mining operations, including review and approval of reclamation and permanent closure plans; requirements for financial assurance for reclamation and permanent closure, and to establish a reasonable fee for reviewing and approving reclamation plans and permanent closure plans, including the reasonable cost to employ a qualified independent party, acceptable to the applicant and the Board, to verify the accuracy of cost estimates for reclamation plans and permanent closure plans.~~ [Title 58, Chapter 1, Idaho Code, and Title 67, Chapter 52, Idaho Code.](#) The Board has delegated to the ~~d~~Director of the Department the duties and powers under the ~~chapter Act~~ and these rules; however, the Board retains responsibility for administrative review. ~~(3-18-22)()~~

001. TITLE AND SCOPE.

~~01. Title.~~ These rules are titled IDAPA 20.03.02, “Rules Governing Mined Land Reclamation,” IDAPA 20, Title 03, Chapter 02. ~~(3-18-22)~~

~~02. Scope.~~ These rules establish the notification requirements for exploration and the application, operation, and reclamation requirements for mined lands. In addition, they establish the application and closure requirements for cyanidation facilities. These rules also establish the reclamation and financial assurance

requirements for all these activities, and describe the processes used to administer the rules in an orderly and predictable manner. (3-18-22)()

031. Other Laws. Operators engaged in exploration, mine operation, and operation of a cyanidation facility ~~shall~~ **must** comply with all applicable laws and rules of the state of Idaho including, but not limited to the following: (3-18-22)()

a. ~~Idaho water quality standards established in Title 39, Chapters 1, Idaho Code, and Title 39, Chapter 36, Idaho Code; IDAPA 58.01.02, “Water Quality Standards”; and IDAPA 58.01.11, “Ground Water Quality Rule,” administered by the Department of Environmental Quality (DEQ).~~ (3-18-22)()

b. ~~Requirements and procedures for hazardous and solid waste management, as established in Title 39, Chapter 44, Idaho Code, and rules promulgated thereunder including, IDAPA 58.01.05, “Rules and Standards for Hazardous Waste” and IDAPA 58.01.06, “Solid Waste Management Rules,” administered by the DEQ.~~ (3-18-22)()

c. ~~Section 39-118A, Idaho Code, and applicable rules for ore processing by cyanidation as promulgated and administered by the DEQ as defined in IDAPA 58.01.13, “Rules for Ore Processing by Cyanidation.”~~ (3-18-22)()

d. ~~Section 39-175C, Idaho Code, and applicable rules for the discharge of pollutants to waters of the United States as promulgated and administered by DEQ in IDAPA 58.01.25, “Rules Regulating the Idaho Pollutant Discharge Elimination System Program.”~~ (3-18-22)()

e. ~~Idaho Stream Channel Protection Act, Title 42, Chapter 38, Idaho Code, and applicable rules as promulgated and administered by the Idaho Department of Water Resources.~~ (3-18-22)()

f. ~~Idaho Dam Safety Act, Sections 42-1710 through 42-1721, Idaho Code, and applicable rules promulgated and administered by the Idaho Department of Water Resources.~~ (3-18-22)()

042. Applicability. These rules are to be read and applied in conjunction with the ~~chapter Act~~. These rules apply to all exploration, mining operations, and permanent closure of cyanidation facilities on all lands in the state, regardless of ownership. (3-18-22)()

a. These rules apply to mining operations or exploration operations commenced after January 1, 1997. These rules in no way affect, alter, or modify the terms or conditions of any approved reclamation plan, reclamation plan amendment, or financial assurance for reclamation obtained prior to January 1, 1997. If a material change arises and is regulated in accordance with Subsection 090.01, then the operator ~~shall~~ **must** submit a reclamation plan amendment. (3-18-22)()

b. These rules do not apply to: (3-18-22)

i. Any surface mining operations performed prior to May 31, 1972. An operator will not be required to perform reclamation activities on any pit or overburden pile as it existed prior to May 31, 1972. (3-18-22)

ii. Mining operations for which the Idaho Dredge and Placer Mining Protection Act requires a permit, or which are otherwise regulated by that act. (3-18-22)

iii. Extraction of minerals from within the right-of-way of a public highway by a public or governmental agency for maintenance, repair or construction of a public highway, provided the affected land is an integral part of such highway. (3-18-22)

iv. Underground mines that existed prior to July 1, 2019, and have not expanded their surface disturbance by 50% or more after that date. (3-18-22)

c. Sand and gravel mining operations in state-owned beds of navigable lakes, rivers or streams ~~shall~~ **will** constitute an approved mining plan for the purpose of these rules if the operator has all of the following:

- (3-18-22)()
- i. A valid riverbed mineral lease granted by the Board in accordance with IDAPA 20.03.05, “Rules Governing Riverbed Mineral Leasing”; with a valid mineral lease bond; (3-18-22)()
 - ii. An approved plan of operations for the riverbed mineral lease; and (3-18-22)
 - iii. A valid stream channel alteration permit issued by the Idaho Department of Water Resources (IDWR). (3-18-22)()
 - d. Surface mining operations, conducted by a public or governmental agency for maintenance, repair, or construction of a public highway, which: (3-18-22)
 - i. Disturb more than two (2) acres will comply with the provisions of Section 069; or (3-18-22)
 - ii. Disturb less than two (2) acres will comply with Subsections 060.06.a. through 060.06.e. (3-18-22)
 - e. A cyanidation facility with a permit approved by the Idaho Department of Environmental Quality (DEQ) prior to July 1, 2005, is subject to the applicable laws and rules for ore processing by cyanidation in effect on June 30, 2005; however, if there is a material modification or material expansion to a cyanidation facility after July 1, 2005, these rules ~~shall~~ will apply to the modification or expansion. (3-18-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions set forth in the ~~chapter~~ Act, the following definitions apply to these rules:

- (3-18-22)()
- 01. Act. The Mined Land Reclamation Act, Title 47, Chapter 15, Idaho Code.** ()
 - 042. Adit.** A nearly horizontal passage from the surface into an underground mine. (3-18-22)
 - 023. Approximate Previous Contour.** A contour that is reasonably comparable to that contour existing prior to disturbance, or that blends with the adjacent topography. (3-18-22)
 - 04. Authorized Land.** The area of land specified in an application that may become affected lands at a mine or cyanidation facility. ()
 - 035. Best Management Practices (BMP).** Practices, techniques or measures developed or identified by the designated agency and identified in the state water quality management plan which are determined to be a cost-effective and practicable means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with water quality goals. (3-18-22)
 - 04. Chapter.** The Mined Land Reclamation Act, Title 47, Chapter 15, Idaho Code. (3-18-22)
 - 06. Coarse and Durable Rock Armor.** A layer of rock placed on a slope to protect it from erosion. The rock must be sufficiently sound, dense, durable, angular, resistant to weathering, and substantially free of fines. The thickness must be at least equal to the dimension of the largest rock used, or eighteen (18) inches, whichever is greater. ()
 - 057. Department.** The Idaho Department of Lands. (3-18-22)
 - 068. Discharge.** With regard to cyanidation facilities, when used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into the waters of the state. (3-18-22)
 - 079. Ground Water.** Any water of the state that occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (3-18-22)

0810. Land Application. A process or activity involving application of liquids or slurries potentially containing cyanide from the cyanidation facility to the land surface for the purpose of treatment, neutralization, disposal, or groundwater recharge. (3-18-22)

0911. Material Change. A change that deviates from the approved reclamation plan or permanent closure plan and causes one (1) or more of the following to occur: (3-18-22)

a. Results in a substantial adverse effect to the geotechnical stability of overburden disposal areas, topsoil, stockpiles, roads, embankments, tailings ~~facilities~~ infrastructure, cyanidation facilities or pit walls; (3-18-22)()

b. Substantially modifies surface water management or a water management plan, not to include routine implementation and maintenance of BMPs; (3-18-22)

c. Exceeds the ~~permitted~~ authorized acreage; or (3-18-22)()

d. Increases overall estimated reclamation costs by more than fifteen percent (15%). (3-18-22)

102. Material Modification or Material Expansion. With regard to cyanidation facilities: (3-18-22)

a. Any change to an ~~permitted~~ approved cyanidation facility, except as provided in Subsection 010.102.b., that the Department determines will: (3-18-22)()

i. Cause or increase the potential to cause degradation of waters, such as a new cyanidation process or cyanidation facility component; or (3-18-22)

ii. Change the capacity, location, or process of an existing cyanidation facility component; or (3-18-22)

iii. Change the site condition in a manner that is not adequately described in the original permit application. (3-18-22)

b. Reclamation and closure related activities at a cyanidation facility with an existing permit that did not actively add cyanide after January 1, 2005 are not material modifications or material expansions of the cyanidation facility. (3-18-22)

143. Material Stabilization. Managing or treating spent ore, tailings, other solids and/or sludges resulting from the cyanidation process to minimize waters or all other applied solutions from migrating through the material and transporting pollutants associated with the cyanidation facility to ensure that all discharges comply with all applicable standards and criteria. (3-18-22)

124. Motorized Earth-Moving Equipment. Backhoes, bulldozers, front-loaders, trenchers, core drills, and other similar equipment. (3-18-22)

135. Neutralization. Treatment of process waters such that discharge or final disposal of those waters does not, or will not, violate any applicable standards and criteria. (3-18-22)

146. Operating Plan. A plan that describes how a mining operation will be constructed and operated to avoid or minimize surface disturbance and potential impacts to waters of the state, and to prepare for final reclamation. (3-18-22)

157. Permanent Closure. Those activities that result in neutralization, material stabilization, and decontamination of cyanidation facilities or the facilities' final reclamation. (3-18-22)

168. Permit. When used without qualification, any written authorization, license, or equivalent control document issued by the DEQ. This includes authorizations issued pursuant to the application, public participation,

and appeal procedures in IDAPA 58.01.13, "~~Rules for Ore Processing by Cyanidation,~~" and those issued pursuant to the application, public participation, and appeal procedures in IDAPA 58.01.25. (3-18-22)()

~~179.~~ **Pollutant.** Chemicals, chemical waste, process water, biological materials, radioactive materials, or other materials that, when discharged, cause or contribute adverse effects to any beneficial use or for any other reason may impact waters of the state. (3-18-22)

~~1820.~~ **Process Waters.** Any liquids intentionally or unintentionally introduced into any portion of the cyanidation process. These liquids may contain cyanide or other minerals, meteoric water, ground or surface water, elements and compounds added to the process solutions for leaching or the general beneficiation of ore, or hazardous materials that result from the combination of these materials. (3-18-22)

~~1921.~~ **Real Property.** Land and appurtenances as defined in Section 55-101, Idaho Code. (3-18-22)

~~202.~~ **Reclamation.** The process of restoring an area affected by a mining operation or cyanidation facility to its original or another beneficial use, considering previous uses, possible future uses, and surrounding topography. The objective is to re-establish a diverse, self-perpetuating plant community, and to minimize erosion, remove hazards, and maintain water quality. (3-18-22)

~~243.~~ **Reclamation Plan.** A plan using a combination of maps, drawings, and descriptions that describes how a mine is constructed and how reclamation of a mine's affected land is accomplished. (3-18-22)

~~224.~~ **Revegetation.** The establishment of the premining vegetation or a comparable vegetative cover on the land ~~disturbed~~ affected by mining operations. (3-18-22)()

~~235.~~ **Shaft.** A vertical or inclined passage from the surface into an underground mine. (3-18-22)

~~246.~~ **Surface Waters.** The surface waters of the state of Idaho. (3-18-22)

~~257.~~ **Treatment.** Any method, technique or process, including neutralization, that changes the physical, chemical, or biological character or composition of a waste for the purpose of disposal, or the end result of such action. (3-18-22)

~~268.~~ **Water Balance.** An inventory and accounting process capable of being reconciled that integrates all potential sources of water that are entrained in the cyanidation facility or may enter into or exit from the cyanidation facility. The inventory must include the water holding capacity of specific structures within the facility that contain process water. The water balance is used to ensure that all process water and other pollutants can be contained as engineered and designed within a factor of safety as determined in the permanent closure plan. (3-18-22)

~~279.~~ **Water Management Plan.** A document that describes the results of the water balance and the methods that will be used to ensure that pollutants are not discharged from a cyanidation facility into waters of the state, unless permitted or otherwise approved by the DEQ. (3-18-22)

~~2830.~~ **Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public or private, or parts thereof that are wholly or partially within, flow through or border upon the state of Idaho. These waters ~~shall~~ will not include municipal or industrial wastewater treatment or storage structures or private reservoirs, the operation of which has no effect on waters of the state. (3-18-22)()

~~011.~~ **ABBREVIATIONS:**

~~01.~~ **BMP.** Best Management Practices. (3-18-22)

~~02.~~ **DEQ.** Department of Environmental Quality. (3-18-22)

~~03.~~ **IPDES.** Idaho Pollutant Discharge Elimination System. (3-18-22)

- ~~04. SWPPP. Storm Water Pollution Prevention Plan. (3-18-22)~~
- ~~05. U.S.C. United States Code. (3-18-22)~~
- ~~0121. -- 049. (RESERVED)~~
- ~~050. ADMINISTRATION.~~
~~The Department will administer these rules under the direction of the director. (3-18-22)~~
- ~~051. -- 059. (RESERVED)~~
- 060. EXPLORATION OPERATIONS AND ~~REQUIRED~~ RECLAMATION.**
- 01. Diligence.** All reclamation activities ~~required to be~~ conducted on exploration sites must be performed in a good, workmanlike manner with all reasonable diligence, and as to a given exploration drill hole, road, or trench, within one (1) year after abandonment thereof. ~~(3-18-22)()~~
- 02. When Exploration Is Mining.** Exploration operations may under some circumstances constitute mining operations as described in Section ~~47-1503(7)~~, Idaho Code. ~~(3-18-22)~~
- 03. Notification.** Any operator desiring to conduct exploration using motorized earth-moving equipment to locate minerals for immediate or ultimate sale ~~shall must~~ notify the Department ~~prior to or~~ within seven (7) days after beginning exploration operations. ~~The notification must include the information listed in Section 47-1506(e), Idaho Code.~~ No application fee or financial assurance is required for exploration that is not a mining operation. ~~(3-18-22)()~~
- ~~04. Contents of Notification. The notification shall include: (3-18-22)~~
- ~~a. The name and address of the operator; (3-18-22)~~
- ~~b. The legal description of the exploration and its starting and estimated completion date; and (3-18-22)~~
- ~~c. The anticipated size of the exploration and the general method of operation. (3-18-22)~~
- ~~05. Confidentiality. Any such notification is treated as confidential in accord with Section 180. (3-18-22)~~
- ~~064.~~ Exploration Reclamation (Less Than Two Acres).** Every operator who conducts exploration affecting less than two (2) acres ~~shall must~~: ~~(3-18-22)()~~
- ~~a. Wherever possible, contour Regrade the affected lands to their approximate previous contour where possible; and (3-18-22)()~~
- ~~b. Conduct revegetation activities in accordance with Subsection 140.11. Unless otherwise required by a federal agency, one (1) pit or trench on a federal mining claim showing discovery, may be left open pending verification by federal mining examiners; (3-18-22)()~~
- ~~c. Plug Exploration drill holes ~~must be plugged~~ within thirty (30) days of drilling the holes. Upon request, the director Department may allow the holes to be temporarily left unplugged for up to a year, but until they are plugged the holes must be left so as to eliminate hazards to humans and animals; (3-18-22)()~~
- ~~d. Reclaim Pits or trenches on mining claims ~~showing discovery may be within one (1) year of verification if~~ left open pending federal verification ~~by federal mining examiners but shall~~. The pits and trenches must not create a hazard to humans or animals. Such abandoned pits and trenches must be reclaimed within one (1) year of verification, prior to reclamation; and (3-18-22)()~~

e. ~~If water runoff from exploration causes siltation of surface waters in amounts more than normally results from runoff, the operator shall reclaim affected lands and adjoining lands under his control as is necessary to meet state water quality standards.~~ Control nonpoint source pollution by reclaiming affected lands and adjoining lands and implementing appropriate Best Management Practices (BMPs). (3-18-22)()

075. Exploration Reclamation (More Than Two Acres). Reclamation of lands where exploration has affected more than two (2) acres must be completed as set forth in Subsection 060.06 and all the following additional requirements: (3-18-22)()

a. Abandoned exploration roads must be cross-ditched as necessary to minimize erosion. The ~~director~~ Department may request in writing, or may be petitioned in writing, that a given road or road segment be left for a specific purpose and not be cross-ditched or revegetated. If the ~~director~~ Department approves the petition, the operator cannot thereafter be required to conduct reclamation activities with respect to that given road or road segment. (3-18-22)()

b. Ridges of overburden must be leveled ~~so as~~ to have a minimum width of ten (10) feet at the top. (3-18-22)()

c. Peaks of overburden must be leveled ~~so as~~ to have a minimum width of fifteen (15) feet at the top. (3-18-22)()

d. Overburden piles must be reasonably prepared to control erosion. (3-18-22)

e. Abandoned lands affected by exploration must be top-dressed to the extent that such overburden is reasonably available from any pit or other excavation created by the exploration, with that type of overburden that ~~is conducive to the control of~~ minimizes erosion ~~or the~~ and promotes growth of vegetation that the operator elects to plant thereon. (3-18-22)()

f. Any water containment structure created in connection with exploration must be reasonably prepared so as not to constitute a hazard to humans or animals. (3-18-22)

086. Additional Reclamation. The operator and the director may agree, in writing, to complete additional reclamation beyond the requirements established in the chapter and these rules. (3-18-22)

061. -- 067. (RESERVED)

068. APPLICATION FEES

01. Base Application Fees. The following base fee schedule will be used for all reclamation plans and permanent closure plans and amendments to those plans. For plans processed under Section 069 of these rules, this base fee covers up to twenty (20) hours of staff time for review and processing. For plans processed under Section 070 of these rules, the applicant may instead enter an agreement with the Department as described in Subsection 068.03 of these rules. The applicable acreage is based on the proposed reclamation plan area identified in the application:

Type of Plan	Fee (Dollars)
Section 069 of these rules, Reclamation Plan 0 to 5 acres	Five hundred (\$500)
Section 069 of these rules, Reclamation Plan > 5 to 40 acres	Six hundred (\$600)
Section 069 of these rules, Reclamation Plan ~~over~~ <u>≥</u> 40 acres	Seven hundred fifty (\$750)
Section 070 of these rules, Reclamation Plan 0 to 100 acres	One thousand (\$1,000)

Type of Plan	Fee (Dollars)
Section 070 of these rules, Reclamation Plan > 100 to 1,000 acres	One thousand five hundred (\$1,500)
Section 070 of these rules, Reclamation Plan > 1,000 acres	Two thousand (\$2,000)
Section 071 of these rules, Permanent Closure Plan	Five thousand (\$5,000)

(3-18-22)()

02. Additional Fees for Applications Submitted Under Section 069. Plans processed under Section 069 of these rules that require more than twenty (20) hours of staff time due to an incomplete application will result in additional fees being charged. After a revised application has been received and determined to be complete with the exception of the fee, IDL will send an invoice to the operator at a rate of forty dollars per hour (\$40/hour) for the additional review time over the initial twenty (20) hours. If this additional fee is not paid prior to the sixty (60) day approval deadline, the application will be denied. If the additional fee is paid within 30 days of the denial, the application will be considered complete and the time requirements of Subsection 080.03 will apply. (3-18-22)

03. Alternative Fee Agreement for Applications Submitted Under Section 070. In lieu of paying a fee at the time the application is submitted, an applicant under Section 070 of these rules may enter into an agreement with the Department for actual costs incurred to process an application, verify a reclamation cost estimate submitted under ~~Idaho Code § Section 47-1512(c), Idaho Code~~, and issue a final decision. The applicant ~~shall~~ **must** not commence operations until the terms of the agreement have been met, including that the Department has been reimbursed for all actual costs incurred for the permitting process. (3-18-22)()

069. APPLICATION PROCEDURE AND REQUIREMENTS FOR QUARRIES, DECORATIVE STONE, BUILDING STONE, AND AGGREGATE MATERIALS INCLUDING SAND, GRAVEL AND CRUSHED ROCK.

01. Approval Required. ~~No operator may conduct mining operations on any lands in the state until the reclamation plan has been approved by the Department, and the operator has filed the required financial assurance.~~ Approval of a reclamation plan by the Department is required even if approval of such plan has been or will be obtained from a federal agency. (3-18-22)()

~~**02. No Operator Shall Conduct Mining Operations.** No operator shall conduct mining operations on any lands in the state until the reclamation plan has been approved by the director, and the operator has filed financial assurance that meets the requirements of the chapter and these rules.~~ (3-18-22)

~~**03.**~~ **Application Package.** The operator must submit a complete application package, for each separate mine or mine panel, before the reclamation plan will be approved. Separate mines are individual, physically disconnected operations. A complete application package consists of: (3-18-22)

- a. An application provided by the ~~director~~ **Department**; (3-18-22)()
- b. A map or maps of the proposed mining operation which includes the information required under Subsection 069.04~~3~~; (3-18-22)()
- c. A reclamation plan, in map and narrative form, which includes the information required under Subsection 069.04~~5~~; ~~and~~ (3-18-22)()
- d. An out-of-state operator ~~shall~~ **will** designate an in-state agent authorized to act on behalf of the operator. In case of an emergency that requires an action or actions to prevent environmental damage, both the operator and the authorized agent will be notified; ~~and~~ (3-18-22)()

- e. The correct fee listed in Section 068 of these rules. (3-18-22)

043. Map Requirements. ~~A vicinity map must be prepared on standard United States Geological Survey ("USGS") seven and one-half (7.5) minute quadrangle maps or equivalent. A map of the proposed mining operation site must be of sufficient scale to show:~~ A minimum of three (3) maps will be required. Based on individual site complexity, more than three (3) maps may be submitted to clearly identify map items listed in this section. Additional maps may be necessary to meet the requirements of Subsection 069.04. (3-18-22)()

a. ~~A vicinity map must be prepared on standard United States Geological Survey seven and one-half (7.5) minute quadrangle maps or equivalent. The map must show the proposed location with respect to roads and other readily identifiable local landmarks, and the approximate location and names, if known, of drainages, streams, creeks, or water bodies within one thousand (1,000) feet of the mining operation.~~ ()

b. ~~A site detail map must be prepared to illustrate the proposed mining operation features. The site detail map must be of sufficient scale to show the following items:~~ ()

bi. ~~The location of existing and new access roads, access, and main haul roads to be constructed or reconstructed in conjunction with the mining operation and the approximate dates for construction, reconstruction, and abandonment;~~ (3-18-22)()

b. ~~The approximate location and names, if known, of drainages, streams, creeks, or water bodies within one thousand (1,000) feet of the mining operation;~~ (3-18-22)

ei. ~~The approximate boundaries of the lands to be utilized in the~~ designated for mining operations, including a legal description to the quarter-quarter section; (3-18-22)()

diii. ~~The approximate boundaries and acreage of the lands that will become affected land as a result of the due to mining-operation activity during the first year of operations;~~ (3-18-22)()

eiv. ~~The currently planned storage locations of fuel, equipment maintenance products, wastes, and chemicals that will be utilized in the mining operation;~~ (3-18-22)()

fy. ~~The currently planned location and configuration of pits, overburden piles, crusher reject materials, mineral stockpiles, topsoil storage, wash plant ponds and sediment ponds that will be utilized;~~ (3-18-22)()

vi. A surface ownership map of appropriate scale for boundary identification; and ()

gvii. ~~At least two (2) S~~ caled cross-sections by length and height showing surface profiles prior to mining; and, at the end of mining, and after reclamation is complete. All three (3) profiles may be represented in one (1) cross section. (3-18-22)()

h. ~~A surface and mineral control or ownership map of appropriate scale for boundary identification;~~ (3-18-22)

c. A drainage control map showing surface water drainage patterns and the location of BMPs that will be implemented to control erosion and water quality impacts during mining and reclamation activities; ()

054. Reclamation Plan Requirements. Reclamation plans must be submitted in map and narrative form and include the following: (3-18-22)

a. Where waters of the state are likely to be impacted or when requested by the ~~director~~ Department, documents identifying and assessing foreseeable, site-specific sources of water quality impacts from mining operations and proposed management activities, such as BMPs or other measures and practices, to comply with water quality requirements; (3-18-22)()

b. ~~Scaled cross sections by length and height, showing planned surface profiles and slopes after reclamation;~~ (3-18-22)

- eb.** Roads to be reclaimed; (3-18-22)
- ec.** A ~~plan~~ description of activities for revegetation of affected lands including soil types, slopes, precipitation, seed rates, species, handling of topsoil or other growth medium, time of planting, method of planting and, if necessary, fertilizer and mulching rates; (3-18-22)()
- ed.** The planned reclamation of wash plant or sediment ponds; (3-18-22)
- ef.** ~~A drainage control map which identifies the location of BMPs that will be implemented to control erosion and water quality impacts during mining and reclamation activities;~~ (3-18-22)
- eg.** The location of any current 100-year floodplain in relation to the mining facilities if the floodplain is within one hundred (100) feet of the facilities, and the BMPs to be implemented that will keep surface waters from entering any pits and potentially changing the stream course. (3-18-22)()
- eh.** For operations over five (5) acres, an estimate of total reclamation cost to be used in establishing a financial assurance amount. ~~The cost estimate will include, but is not limited to, the approximate cost of grading, revegetation, equipment mobilization, labor, and other pertinent direct and indirect costs of a third party to complete reclamation. See Section 120 of these rules for guidance on calculation of third-party reclamation costs.~~ (3-18-22)()
- ei.** If construction, mining, or reclamation will be completed in phases, a description of the tasks to be completed in each phase, an estimated schedule, and proposed adjustments of financial assurance related to each phase. (3-18-22)

070. APPLICATION PROCEDURE AND REQUIREMENTS FOR OTHER MINING OPERATIONS INCLUDING HARDROCK, UNDERGROUND AND PHOSPHATE MINING.

- 01. Reclamation Plan Approval Required.** Approval of a reclamation plan by the Department is required even if approval of such plan has been or will be obtained from a federal agency. No operator ~~shall may~~ conduct mining operations on any lands in the state until the reclamation plan has been approved by the ~~director~~ Department, and the operator has filed the required financial assurance. (3-18-22)()
- 02. Application Package.** The operator must submit a complete application package for each separate mine or mine panel before the reclamation plan will be approved. Separate mines are individual, physically disconnected operations. A complete application package consists of: (3-18-22)
- a.** All items and information required or allowed under Section 069 of these rules; (3-18-22)
- b.** Any additional information required by Subsection 070.04 of these rules; and (3-18-22)()
- c.** An operating plan, if required by Section 47-1506(b), Idaho Code, prepared in accordance with Subsection 070.05 of these rules. (3-18-22)
- 03. Map Requirements.** Maps must be prepared in accordance with Subsection 069.04~~3~~ of these rules with the addition of any tailings ~~facilities~~ infrastructure or process fluid ponds. (3-18-22)()
- 04. Reclamation Plan Requirements.** Reclamation plans must include all of the information required under Subsection 069.05~~4~~ ih, including but not limited to phases as described in Subsection 069.05~~4~~ ih, and the following additional information: (3-18-22)()
- a.** A description of the planned reclamation of overburden disposal areas, tailings ~~facilities~~ infrastructure, and sediment ponds; and (3-18-22)()
- b.** An estimate of total reclamation cost to be used in establishing the financial assurance amount. ~~The cost estimate should include the approximate cost of grading, revegetation, equipment mobilization, labor, and other~~

~~pertinent costs for third-party reclamation.~~ See Section 120 of these rules for guidance on calculation of third-party reclamation costs. (3-18-22)()

c. To assist in meeting the requirements of ~~paragraph Subsection~~ 069.054.a. in these rules, a summary of requirements from a stormwater pollution prevention plan (SWPPP), Idaho pollution discharge elimination system (IPDES) permit, ground water ~~p~~Point of eCompliance (POC), and other permits or approvals or BMPs related to foreseeable water quality impacts on the affected land. (3-18-22)()

d. Structures that will be built to help implement a SWPPP, IPDES permit, ~~Point of Compliance~~POC, or other permits or approvals related to foreseeable water quality impacts on the affected land. (3-18-22)()

e. Additional information regarding coarse and durable rock armor if any is proposed ~~to be used~~ for mine facility reclamation ~~of mine facilities~~. The ~~director~~ Department may, after considering the type, size, and potential environmental impact of the facility, require the operator to include additional information in the reclamation plan. Such information may include, but is not limited to, one (1) or more of the following: (3-18-22)()

i. A description of the quantities, size, geologic characteristics, and durability of the materials to be used for final reclamation and armoring. (3-18-22)

ii. A description of how the coarse and durable materials will be handled and/or stockpiled, including a schedule for such activities that will ensure adequate quantities are available during reclamation. (3-18-22)

f. The ~~director~~ Department may, after considering the type, size, and potential environmental impact of the facility, require the operator to provide a geotechnical analysis and report. If failure of these structures can reasonably be expected to impact adjacent surface or ground waters, or adjacent private or state-owned lands, the analysis may be required to consider the long-term stability of these structures, the potential for ground water accumulation, and the expected seismic accelerations at the site. The report must bear the imprint of an Idaho licensed professional engineer that is both signed and dated by the engineer. The report ~~shall~~ must show that the following features, if present, are designed in a manner that is consistent with industry standards to minimize the potential for failure of: (3-18-22)()

i. ~~Any w~~Waste rock or overburden stockpiles; (3-18-22)()

ii. ~~Any p~~Pit walls proposed to be more than one hundred (100) feet high; and (3-18-22)()

iii. ~~Any p~~Pit walls where geologic conditions could lead to failure of the wall regardless of the height. (3-18-22)()

g. Underground mines must provide the following additional information: (3-18-22)

i. Location and dimensions of all underground mine openings at the ground surface, including but not limited to vents, shafts, and adits; and (3-18-22)

ii. A description of how each mine opening in subparagraph 070.04.g.i of these rules will be secured during reclamation to eliminate hazards to human health and safety. (3-18-22)

h. A description of post-closure activities that includes the proposed length of the post-closure period and the following: (3-18-22)

i. A summary of procedures and methods for water management including any likely IPDES permit, stormwater permit, and monitoring required for any ground water ~~point of compliance~~POC, along with sufficient information to support a cost estimate for such water management activities. (3-18-22)()

ii. Care and maintenance for facilities after mining has ceased. (3-18-22)

i. Other pertinent information the Department has determined is necessary to ensure that the operator

will comply with the requirements of the ~~chapter~~ Act. (3-18-22)()

05. Operating Plan Requirements. A complete operating plan ~~shall~~ must consist of: (3-18-22)()

- a. Ore, tailings, and waste rock handling flow sheets and diagrams. (3-18-22)
- b. Waste rock management plan. (3-18-22)
- c. Water quality monitoring locations. (3-18-22)
- d. Anticipated concurrent reclamation prior to the cessation of mining. (3-18-22)
- e. Estimated throughput and timeline for mining and ore processing. (3-18-22)()
- f. Types of ore processing and beneficiation. (3-18-22)
- g. Process fluid pond volumes and anticipated contents, if applicable. (3-18-22)

06. Monitoring Data. The Department will, as needed and through consultation with DEQ, obtain the operator's baseline data on ground water or surface water gathered during the planning and permitting process for the operation, and may require the operator to furnish additional monitoring data during the ~~life of the project~~ duration. This will not require any additional monitoring data where such data is already provided under an IPDES permit, SWPPP, ground water ~~point of compliance~~ POC, or other federal or state requirements for collecting surface or ground water data. (3-18-22)()

071. APPLICATION PROCEDURE AND REQUIREMENTS FOR PERMANENT CLOSURE OF CYANIDATION FACILITIES.

01. Permanent Closure Plan Approval Required. No operator ~~shall~~ may operate a new cyanidation facility or materially modify or materially expand an existing cyanidation facility prior to obtaining a permit, approval from the ~~director~~ Department, and before the operator has filed financial assurance, as required by these rules. (3-18-22)()

02. Permanent Closure Plan Requirements. A permanent closure plan ~~shall~~ must: (3-18-22)()

- a. Identify the current owner of the cyanidation facility and the party responsible for the permanent closure and the long-term care and maintenance of the cyanidation facility; (3-18-22)
- b. Include a timeline showing: (3-18-22)
 - i. The schedule to complete permanent closure activities, including neutralization of process waters and material stabilization, and the time period for which the operator is responsible for post-closure activities; and (3-18-22)
 - ii. If the operator plans to complete construction, operation, and/or permanent closure of the cyanidation facility in phases, the schedule to begin each phase of construction, operation, and/or permanent closure activities and any associated post-closure activities. (3-18-22)
- c. Provide the objectives, methods, and procedures that will achieve neutralization of process waters and material stabilization during the closure period and through post-closure; (3-18-22)
- d. Provide a water management plan from the time the cyanidation facility is in permanent closure through the defined post-closure period. The plan must be prepared in accordance with IDAPA 58.01.13, "Rules for Ore Processing by Cyanidation," administered by the DEQ, as required to meet the objectives of the permanent closure plan. (3-18-22)()
- e. Include the schematic drawings for all BMPs that will be used during the closure period, through

the defined post-closure period, and a description of how the BMPs support the water management plan, and an explanation of the water conveyance systems that are planned for the cyanidation facility. (3-18-22)

f. Provide proposed post-construction topographic maps and scaled cross-sections showing the configuration of the final heap or tailing facility, including the final cap and cover designs and the plan for long-term operation and maintenance of the cap. Caps and covers used as source control measures for cyanidation facilities must be designed to minimize the interaction of meteoric waters, surface waters, and ground waters with wastes containing pollutants that are likely to be mobilized and discharged to waters of the state. Prior to approval of a permanent closure plan, engineering designs and specifications for caps and covers must bear the imprint of an Idaho licensed professional engineer that is both signed and dated by the engineer; (3-18-22)

g. Include monitoring plans for surface and ground water during closure and post-closure periods, adequate to demonstrate water quality trends and to ensure compliance with the stated permanent closure objectives and the requirements of the ~~chapter Act~~; (3-18-22)()

h. Provide an assessment of the potential impacts to soils, vegetation, and surface and ground waters for all areas to be used for the land application system and provide a mitigation plan, as appropriate. (3-18-22)

i. Provide information on how the operator will comply with ~~the Resource Conservation and Recovery Act, 42 U.S.C. United States Code~~ Section 6901 et seq.; ~~Idaho Hazardous Waste Management Act, Chapter 44, Title 39, Chapter 44, Idaho Code; Idaho Solid Waste Management Act, Chapter 74, Title 39, Chapter 74, Idaho Code; and appropriate state rules, during operation and permanent closure;~~ (3-18-22)()

j. Provide sufficient detail to allow the operator to prepare an estimate of the reasonable costs to implement the permanent closure plan; (3-18-22)

k. Provide an estimate of the reasonable estimated costs to complete the permanent closure activities specified in the permanent closure plan in the event the operator fails to complete those activities. The estimate ~~shall~~ must; (3-18-22)()

i. Identify the incremental costs of attaining critical phases of the permanent closure plan and a proposed financial assurance release schedule; (3-18-22)

ii. Assume that permanent closure activities will be completed by a third party whose services are contracted for by the Board as a result of a financial assurance forfeiture under Section 47-1513, Idaho Code. (3-18-22)

l. ~~If the proposal is to complete cyanidation facility~~ Describe any phases proposed for construction, operation, and/or permanent closure ~~activities in phases of the cyanidation facility including:~~ (3-18-22)()

i. ~~Describe how~~ Describe how these activities will be phased and how, after the first phase of activities, each subsequent phase will be distinguished from the previous phase or phases; and (3-18-22)()

ii. ~~Describe how~~ Describe how any required post-closure activities will be addressed during and after each subsequent phase has begun. (3-18-22)()

m. Provide any additional information that may be required by the Department to ensure compliance with the objectives of the permanent closure plan and the requirements of the ~~chapter Act~~. (3-18-22)()

03. Preapplication Conference. Prospective applicants are encouraged to meet with the Department well in advance of preparing and submitting an application package to discuss the anticipated application requirements and application procedures, and to arrange for a visit or visits to the proposed location of the cyanidation facility. The preapplication conference may trigger a period of collaborative effort between the Department, the DEQ, and the applicant in developing checklists to be used by the agencies in reviewing an application for completion, accuracy, and protectiveness. (3-18-22)

04. Application Package for Permanent Closure. An application and its contents submitted to the

Department will be used to determine whether an applicant can complete all permanent closure activities in conformance with all applicable state laws. An application must provide information in sufficient detail to allow the ~~director~~ **Department** to make necessary application review decisions regarding cyanidation facility closure and protection of public health, safety, and welfare, in accordance with the ~~chapter Act~~. A complete application package must be submitted to the Department. ~~A complete application package for an operator proposing to use cyanidation shall and will~~ consist of: (3-18-22)()

a. A Department application form, ~~completed, signed, and dated by the applicant. This form shall contain the following information:~~ (3-18-22)()

- i. ~~Name, location, and mailing address of the cyanidation facility;~~ (3-18-22)
- ii. ~~Name, mailing address, and phone number of the operator. An out-of-state operator shall designate an in-state agent authorized to act on his behalf. In case of an emergency that requires actions to prevent environmental damage, both the operator and his agent will be notified;~~ (3-18-22)
- iii. ~~Land ownership status (federal, state, private or public);~~ (3-18-22)
- iv. ~~The legal description to the quarter-quarter section of the location of the proposed cyanidation facility; and~~ (3-18-22)
- v. ~~The legal structure (corporation, partnership, etc.) and primary place of business of the operator.~~ (3-18-22)

b. Evidence that the applicant is authorized by the Secretary of State to conduct business in the state of Idaho; (3-18-22)

c. A permanent closure plan as prescribed in Subsection 071.02; (3-18-22)

d. The DEQ application and supporting materials; ~~and~~ (3-18-22)()

e. The fee as defined in Subsection 071.05.a. (3-18-22)

05. Application Fee. The application fee ~~shall will~~ consist of two (2) parts: (3-18-22)()

a. Processing and review fee. (3-18-22)

i. The applicant ~~shall must~~ pay a nonrefundable five thousand dollar (\$5,000) fee upon submission of an application. Within thirty (30) days of receiving an application and this fee, the ~~director shall~~ **Department will** provide a detailed cost estimate to the operator which includes a description of the scope of the Department's review; the assumptions on which the Department's estimate is based; and an itemized accounting of the anticipated number of labor hours, hourly labor rates, travel expenses and any other direct expenses the Department expects to incur, and indirect expenses equal to ten percent (10%) of the Department's estimated direct costs, as required to satisfy its statutory obligation pursuant to the ~~chapter Act~~. (3-18-22)()

ii. If the Department's estimate is greater than five thousand dollars (\$5,000), the applicant may agree to pay a fee equal to the difference between five thousand dollars (\$5,000) and the Department's estimate, or may commence negotiations with the Department to establish a reasonable fee. (3-18-22)

iii. If, within twenty (20) days from issuance of the Department's estimate, the Department and applicant cannot agree on a reasonable application processing and review fee, the applicant may appeal to the Board. The Board ~~shall will~~: (3-18-22)()

(1) Review the Department's estimate; (3-18-22)

(2) Conduct a hearing where the applicant is allowed to give testimony to the Board concerning the Department's estimate; and (3-18-22)

- (3) Establish the amount of the application review and processing fee. (3-18-22)
- iv. If the fee is more than five thousand dollars (\$5,000), the applicant ~~shall~~ must pay the balance of the fee within fifteen (15) days of the Board's decision or withdraw the application. (3-18-22)()
- v. Nothing in this section ~~shall~~ will extend the time in which the Board must act on a plan submitted. (3-18-22)()
- b. Permanent closure cost estimate verification fee. (3-18-22)
- i. Pursuant to Section 47-1506(g) and 47-1508(f), Idaho Code, the Department may employ a qualified independent party, acceptable to the operator and the Board, to verify the accuracy of the permanent closure cost estimate. (3-18-22)
- ii. The applicant is solely responsible for paying the Department's cost to employ a qualified independent party to verify the accuracy of the permanent closure cost estimate. The applicant may participate in the Department's processes for identifying qualified parties and selecting a party to perform this work. (3-18-22)
- iii. If a federal agency has responsibility to establish the financial assurance amount for permanent closure of a cyanidation facility on federal land, the Department may employ the firm retained by the federal agency to verify the accuracy of the permanent closure cost estimate. If the ~~director~~ Department chooses not to employ the firm retained by the federal agency, ~~he shall~~ it will provide a written justification explaining why the firm was not employed. (3-18-22)()

072. -- 079. (RESERVED)

080. PROCEDURES FOR REVIEW AND DECISION UPON AN APPLICATION FOR A RECLAMATION PLAN OR PERMANENT CLOSURE PLAN.

01. Return of Application. ~~Within thirty (30) days after receipt of a reclamation plan or permanent closure plan by the Department, a~~ An application may be returned for correction and resubmission if either the reclamation plan or permanent closure plan are incomplete. Permanent closure plans must be returned within thirty (30) days of submittal if they are incomplete. Return of an application by the ~~director shall~~ Department will constitute a rejection in accordance with Section 47-1507(b), Idaho Code. (3-18-22)()

02. Agency Notification and Comments. (3-18-22)

a. Nonconfidential materials submitted under Sections 069, 070, and 071 will be forwarded by the ~~director~~ Department to ~~the Idaho Departments of Water Resources IDWR, Environmental Quality DEQ, and Department of Fish and Game~~ for review and comment. The ~~director~~ Department may decide not to circulate applications submitted under Section 069 if the ~~director~~ Department determines the impacts of the proposed activities are minor and do not involve surface or ground waters. The ~~director~~ Department may provide public notice on receipt of a reclamation plan or permanent closure plan. In addition, nonconfidential contents of an application will be provided to individuals who request the information in writing, ~~as required by the Idaho Public Records Act.~~ (3-18-22)()

b. Upon receipt of a complete application for a reclamation plan or a permanent closure plan, the ~~director shall~~ Department will provide notice to the cities and counties where the mining or cyanidation facility operation is proposed, in accordance with Section 47-1505(7), Idaho Code. ~~The notice shall include the name and address of the operator, the procedure and schedule for the Department's review, and an invitation to review nonconfidential portions of the application, if requested in writing. Such notice will be provided upon receipt of a reclamation plan, a permanent closure plan, or any amended plan for an existing operation, or an amended cost estimate to complete permanent closure of a cyanidation facility, if required under the chapter and these rules.~~ (3-18-22)()

03. Inspection. The Department may determine that an inspection of the proposed mining site or

cyanidation facility location is necessary if the inspection will provide additional information or otherwise aid in processing the application. ()

a. If an inspection is determined necessary, the applicant will be contacted and asked that they or an authorized employee or agent be present at a mutually agreeable time. The Department may proceed with an inspection if the applicant or their designated employee or agent does not appear. ()

b. If weather conditions preclude an inspection, the Department will provide written notice to the applicant that review of the application has been suspended until weather conditions permit an inspection, and that the schedule for a decision will be extended up to thirty (30) days after weather conditions permit such inspection in accordance with Section 47-1507(c), Idaho Code. ()

04. Public Hearing. The Department may call a public hearing to determine whether a proposed application complies with the Act and these rules. A hearing will be conducted in accordance with Section 110 of these rules. ()

05. Referral to Board. The Department may refer the decision concerning an application to the Board. This action will not extend the time period for a decision to approve or deny an application. ()

~~036.~~ **Decision on Reclamation Plans.** The ~~director shall~~ Department will review a new reclamation plan or an amended reclamation plan pursuant to Sections ~~47-1507~~ and ~~47-1508~~, Idaho Code. (3-18-22)()

a. Approval. (3-18-22)

i. Within sixty (60) days of receipt of an application that complies with Subsections 069 and 070 of these rules, the Department shall provide written notice to the applicant that the reclamation plan or any amendment(s) to an approved reclamation plan is approved or denied and, if approved, the ~~amount of the~~ financial assurance amount required; or (3-18-22)()

ii. If the ~~director~~ Department does not take action within sixty (60) days, a reclamation plan or any amendments thereof is deemed to comply with the ~~chapter Act~~, unless the sixty (60) day ~~time~~ period is extended pursuant to Section ~~47-1507(c)~~, Idaho Code. (3-18-22)()

~~iii. The operator and director may agree, in writing, to implement additional actions with respect to reclamation that extend beyond the requirements set forth in these rules.~~ (3-18-22)

~~b. Inspections. The director may determine that an inspection of the proposed mining site location is necessary if the inspection will provide additional information or otherwise aid in processing of the application.~~ (3-18-22)

~~i. If the director decides to perform an inspection, the applicant will be contacted and asked that he or an authorized employee or agent be present. This rule shall not prevent the Department from making an inspection of the site if the applicant does not appear.~~ (3-18-22)

~~ii. If weather conditions preclude an inspection of a proposed mining operation, the director shall provide written notice to the applicant that review of the reclamation plan or an amended reclamation plan has been suspended until weather conditions permit an inspection, and that the schedule for a decision will be extended for up to thirty (30) days after weather conditions permit such inspection in accordance with Section 47-1507(c), Idaho Code.~~ (3-18-22)

047. Decision on Cyanidation Facility Permanent Closure Plans. Pursuant to Section ~~47-1507~~ and ~~47-1508~~, Idaho Code, following review of a complete application, the ~~director shall~~ Department will; (3-18-22)()

a. Coordination with DEQ. Initiate a coordinated interagency review of the application by providing a notice in writing to the DEQ Director that the Department has received an application for permanent closure of a cyanidation facility; (3-18-22)

b. Approval. (3-18-22)

i. Within one-hundred eighty (180) days of receipt of an application that complies with Subsection 071.04 of these rules, the Department shall provide written notice to the applicant that the permanent closure plan is approved or denied and, if approved, the ~~amount of the~~ permanent closure financial assurance amount required; or
(3-18-22)()

ii. If the ~~director~~ Department does not take action within one-hundred eighty (180) days, a permanent closure plan, or any amendments thereof, is deemed to comply with the provisions of the ~~chapter Act~~, unless the one hundred eighty (180) day ~~time~~ period is extended in accordance with Section 47-1507(c), Idaho Code.
(3-18-22)()

~~e. Inspections. The director may determine that it is necessary to inspect the proposed cyanidation facility location if the inspection will provide additional information or otherwise aid in processing of the application.~~
(3-18-22)

~~i. If the director determines to inspect the site, the applicant will be contacted and asked that he or an authorized employee or agent be present. The Department may proceed with an inspection if the applicant or his designated employee or agent does not appear.~~
(3-18-22)

~~ii. If weather conditions preclude an inspection of the proposed cyanidation facility, the director shall provide written notice to the applicant that processing of the application has been suspended until weather conditions permit an inspection, and that the schedule for a decision is extended for up to thirty (30) days after weather conditions permit such inspection in accordance with Section 47-1507(e), Idaho Code.~~
(3-18-22)

058. Permanent Closure Plan Approval. (3-18-22)

a. The Department may condition its approval on issuance of a permit by the DEQ for the cyanidation facility. (3-18-22)

b. Except for the concurrent and additional permanent closure requirements that may be established in a permit issued by the DEQ pursuant to Section 39-118A, Idaho Code and IDAPA 58.01.13, ~~“Rules for Ore Processing by Cyanidation,”~~ an approved permanent closure plan shall define the nature and extent of the operator’s obligation under the ~~chapter Act~~.
(3-18-22)()

c. The permanent closure plan, as approved by the Department in coordination with the DEQ, will be incorporated by reference into the cyanidation facility permit issued by DEQ as a permit condition and will be enforceable as such. The operator shall ensure that closure complies with the approved permanent closure plan and any additional permanent closure requirements as outlined in the permit issued by DEQ. (3-18-22)

d. No sooner than one hundred and twenty (120) days after an application for a permanent closure plan has been submitted to the Department, the applicant may submit a reclamation plan as required by Section 070 of these rules. The Department will review and approve the reclamation plan in accordance with Subsection 080 of these rules. (3-18-22)

e. Approval of a permanent closure plan by the Department is required even if approval of such plan has been or will be obtained from an appropriate federal agency. (3-18-22)

069. Denial of an Application. If the ~~director~~ Department rejects an application, ~~the director shall~~ it will deliver in writing to the applicant a statement of the reasons the application has been rejected, the factual findings upon which the rejection is based, a statement of the applicable statute(s) and rule(s), the manner in which the application failed to fulfill the requirements of these rules, and the action that must be taken or conditions that must be satisfied to meet the requirements of the ~~chapter Act~~ and these rules. The applicant may submit an amended application in accordance with Sections 069, 070 or 071 of these rules for review and, if appropriate, approval by the Department. The ~~director shall~~ Department will deny a reclamation plan, permanent closure plan, or any amendments thereof if:
(3-18-22)()

a. The application is inaccurate or incomplete; (3-18-22)

b. The cyanidation facility as proposed cannot be conditioned for construction, operation, and closure to protect public safety, health, and welfare, in accordance with the scope and intent of these rules, or to protect beneficial uses of the waters of the state, as determined by the DEQ pursuant to Section 39-118A, Idaho Code and IDAPA 58.01.13, “Rules for Ore Processing by Cyanidation” and other DEQ rules cited therein. (3-18-22)()

~~07. Public Hearing. The director may call a public hearing to determine whether a proposed application complies with the chapter and these rules. A hearing will be conducted in accordance with Section 110 of these rules.~~ (3-18-22)

~~08. Referral to Board. The director may refer the decision concerning an application to the Board. This action will not extend the time period for a decision to approve or deny an application.~~ (3-18-22)

~~09~~**10. Appeal of Final Order.** Any final order of the Board regarding an application for a mining reclamation plan or for permanent closure of a cyanidation facility may be appealed as set forth in Section 47-1514, Idaho Code. (3-18-22)

081. -- 089. (RESERVED)

090. AMENDING AN APPROVED RECLAMATION PLAN.

01. Cause for Reclamation Plan Amendment. In the event circumstances arise that necessitate amendments to an approved reclamation plan, the operator ~~shall~~ **must** submit an application to amend the plan and state the reasons the amendment is necessary. Either the operator or the ~~director~~ **Department** may initiate a process to amend an approved reclamation plan. If the ~~director~~ **Department** identifies a material change ~~he it~~ believes requires a change in the reclamation plan, ~~the director must~~ **it will** deliver in writing to the operator a detailed statement identifying the material change and the action(s) necessary to address the material changes. Plan amendments have the same requirements as described in Section 069 and 070 of these rules. (3-18-22)()

02. Review of Amendment. The ~~director~~ **Department** will process an application to amend a plan in accordance with Sections 080 and 110 of these rules, provided, however, that no land or aspect or provision of an approved reclamation plan that would not be affected by the proposed amendment, is subject to the amendment, review or reapproval in connection with processing the application. Approval of an amendment ~~shall will~~ not be conditioned upon the performance of any actions not required by the approved reclamation plan or the proposed amendment itself; unless the operator agrees to perform such actions. (3-18-22)()

03. Adjustments. Adjustments to an approved reclamation plan may be made by agreement between the ~~director~~ **Department** and the operator; if the adjustment is consistent with the overall objectives of the approved reclamation plan and so long as applicable surface and ground water quality standards will be met. Adjustments are due to changes that are smaller than material changes. (3-18-22)()

091. AMENDING AN APPROVED PERMANENT CLOSURE PLAN.

01. Cause for Permanent Closure Plan Amendment. In the event circumstances arise that necessitate amendments to an approved permanent closure plan, the operator ~~shall~~ **must** submit an application to amend the permanent closure plan and state the reasons the amendment is necessary. Either the operator or the ~~director~~ **Department** may initiate a process to amend an approved permanent closure plan. Circumstances that could require a permanent closure plan to be amended include: (3-18-22)()

a. A material modification or material expansion in the cyanidation facility design or operation for which the approved permanent closure plan is no longer adequate; (3-18-22)

b. Conditions substantially different from those anticipated in the original permit for which the approved permanent closure plan is no longer adequate; or (3-18-22)

c. A material change as defined in Subsection 010.~~09~~**10** of these rules. (3-18-22)()

02. Modifications at an Operator's Request. Requests from an operator to modify a permanent closure plan must be submitted to the Department in writing. The ~~director shall~~ Department will process an application for amendment in accordance with Section 080 of these rules. An application to amend a permanent closure plan ~~shall must~~ include: (3-18-22)()

- a. A written description of the circumstances that necessitate the amendment; (3-18-22)
- b. Data supporting the request; (3-18-22)
- c. The proposed amendment; (3-18-22)
- d. A description of how the amendment will impact the estimated cost to complete permanent closure pursuant to the ~~chapter Act~~; (3-18-22)()
- e. A cost estimate to implement the amended permanent closure plan, prepared in accordance with Subsection 071.02 of these rules; and (3-18-22)
- f. Payment of a reasonable fee as may be determined by the ~~director~~ Department in accordance with Section 47-1508, Idaho Code. (3-18-22)()

03. Modification at Request of ~~Director~~ Department. If, following consultation with the DEQ, the ~~director~~ Department determines that cause exists to amend the permanent closure plan ~~the director shall~~ it will notify the operator in writing of ~~his~~ its determination and explain the circumstances that have arisen which require the permanent closure plan to be amended. Within thirty (30) days or as agreed by the operator and the Department, the operator ~~shall must~~ submit an application to amend the permanent closure plan in accordance with Subsection 091.02. (3-18-22)()

04. Adjustment. Adjustments to an approved permanent closure plan may be made by agreement between the ~~director~~ Department and the operator, if the adjustment is consistent with the overall objectives of the approved permanent closure plan and so long as applicable surface and ground water quality standards will be met. (3-18-22)()

092. -- 099. (RESERVED)

100. DEVIATION FROM AN APPROVED RECLAMATION PLAN.

01. Unforeseen Events. If a mining operator finds that unforeseen events or unexpected conditions require immediate change from an approved plan, the operator may continue mining in accordance with the procedures dictated by the changed conditions, pending submission and approval of an amended plan, even though operations do not comply with the approved reclamation plan on file with the Department. This ~~shall will~~ not excuse the operator from complying with the requirements of Sections 140 and 120 of these rules. (3-18-22)()

02. Notification. The operator ~~shall must~~ notify the ~~director~~ Department, in writing, within ten (10) days of the discovery of conditions that require deviation from the approved plan. A proposed amendment to the reclamation plan must be submitted by the operator within thirty (30) days of the discovery of those conditions. (3-18-22)()

101. -- 109. (RESERVED)

110. PUBLIC HEARING.

01. Call for a Hearing. A public hearing called by the ~~director~~ Department following receipt of a complete application submitted in accordance with Sections 069, 070, or 071 of these rules is conducted in accordance with Section 47-1507(d), Idaho Code. The ~~director~~ Department may call for a hearing following ~~his~~ the preliminary review of an application for a new operation or an amendment application for an existing operation when one (1) or more of the following circumstances arises: (3-18-22)()

a. Public Concern. The public, potentially affected landowners, any governmental entity, or any other interested parties who may be affected by the operations proposed under the ~~chapter Act~~ have registered, in writing, a concern with the ~~director Department~~ regarding the proposed operations or cyanidation facility. The purpose of the public hearing is to gather written and oral comments as to whether the proposed reclamation plan or permanent closure plan meets the requirements of the ~~chapter Act~~ and these rules. (3-18-22)()

b. Agency Concern. The ~~director Department~~ determines, after consultation with the ~~Department of Water Resources~~, DEQ, the Department of Fish and Game, and affected Indian tribes that the proposed mining or cyanidation facility operations could reasonably be expected to significantly degrade adjacent surface and/or ground waters or otherwise threaten public health, safety or welfare. The purpose of a public hearing held under this subsection will be to receive written and oral comments on the measures the operator is proposing to use to protect surface and/or ground water quality from nonpoint source pollution. (3-18-22)()

02. Consolidation. If the ~~director Department~~ determines that a hearing should be held, ~~he shall it will~~ order that such proceedings be consolidated. The applicant and the public ~~must will~~ be advised of the specific subjects to be discussed at the hearing at least twenty (20) days prior to the hearing. The Department will coordinate with the DEQ, as appropriate, for any hearings relating to permanent closure of a cyanidation facility to streamline application processing. (3-18-22)()

03. Location. A hearing will be held in the locality of the proposed mine or a proposed cyanidation facility at a reasonably convenient time and place for public participation. The ~~director Department~~ may call for more than one hearing when conditions warrant. (3-18-22)()

04. Notice of Hearing. The ~~director shall Department will~~ provide at least twenty (20) days' advance notice of the date, time, and place of the hearing to: federal, state, and local governmental agencies, Indian tribes who may have an interest in the decision as shown on the application, and the public; to all persons who petitioned for a hearing; and to any person identified by the applicant under Subsection 070.02 as a legal owner of the land that will likely be affected by the proposed operations. Notice to the applicant ~~must will~~ be sent by certified mail and postmarked not less than twenty (20) days before the scheduled public hearing date. (3-18-22)()

05. Publication of Notice. The ~~director shall Department will~~ provide at least twenty (20) days advance notice to the general public of the date, time, and place of the hearing. A newspaper advertisement will be placed once a week, for two (2) consecutive weeks, in the locale of the area covered by the application. (3-18-22)()

a. In the event a hearing is ordered under Section 110, the notice ~~shall will~~ describe: (3-18-22)()

i. The potentially significant surface water quality impacts from the proposed mining operation and the operator's description of the measures that will be used to prevent degradation of adjacent surface and ground waters from sources of pollution; or (3-18-22)

ii. The objectives of a permanent closure plan that have been submitted for review. (3-18-22)

b. A copy of the application will be placed for review in a public place in the local area of the proposed mining operation or cyanidation facility, in the closest Department area office, and the Department's administrative office in Boise. (3-18-22)

06. Hearing Officer. The hearing will be conducted by the ~~director Department~~ or ~~his its~~ designated representative. Both oral and written testimony will be accepted. Proceedings of the hearing will be recorded ~~on audio tape~~ and a verbatim transcript will be prepared. (3-18-22)()

07. Consideration of Hearing Record. The Department will consider the hearing record when reviewing reclamation plans or permanent closure plans for final approval or rejection. (3-18-22)

111. COMPLETION OF PERMANENT CLOSURE.

01. Implementation of a Permanent Closure Plan. Unless otherwise specified in the approved permanent closure plan, an operator must begin implementation of the approved permanent closure plan as follows: (3-18-22)

- a. Within two (2) years of the final addition of new cyanide to the ore process circuit; or (3-18-22)
- b. If the product recovery phase of the cyanidation facility has been suspended for a period of more than two (2) years. (3-18-22)

02. Submittal of a Permanent Closure Report. The operator must submit a permanent closure report to the Department for review and approval. A permanent closure report must be of sufficient detail for the ~~directors of the~~ Department and DEQ to issue a determination that permanent closure, as defined by Subsection 010.157 of these rules, has been achieved. The permanent closure report ~~shall~~ must address: (3-18-22)()

- a. The effectiveness of material stabilization; (3-18-22)
- b. The effectiveness of the water management plan and the adequacy of the monitoring plan; (3-18-22)
- c. The final configuration of the cyanidation facility and its operational/closure status; (3-18-22)
- d. The post-closure operation, maintenance, and monitoring requirements, and the estimated reasonable cost to complete those activities; (3-18-22)
- e. The operational/closure status of any land application site of the cyanidation facilities; (3-18-22)
- f. Source control systems that have been constructed or implemented to eliminate, mitigate, or contain short- and long-term discharge of pollutants from the cyanidation facility, unless otherwise ~~permitted~~ approved; (3-18-22)()
- g. The short- and long-term water quality trends in surface and ground water through the statistical analysis of the existing monitoring data pursuant to the ore-processing by cyanidation permit; (3-18-22)
- h. Ownership and responsibility for the site upon permanent closure during the defined post-closure period; (3-18-22)
- i. The future beneficial uses of the land, surface and ground waters in and adjacent to the closed cyanidation facilities; and (3-18-22)
- j. How the permanent closure of the cyanidation facility complies with the Resource Conservation and Recovery Act, Hazardous Waste Management Act, Solid Waste Management Act, and appropriate rules. (3-18-22)

03. Review of a Permanent Closure Report. The Department will immediately forward a copy of the permanent closure report to DEQ for their review and comment. (3-18-22)

112. DECISION TO APPROVE OR DISAPPROVE OF A PERMANENT CLOSURE REPORT.

01. Receipt of a Permanent Closure Report. Within sixty (60) days of receipt of a permanent closure report, the ~~director shall~~ Department will issue to the operator a ~~director's~~ determination of approval or disapproval of the permanent closure report. (3-18-22)()

02. Permanent Closure Report Is Disapproved. The ~~director~~ Department's determination to approve or disapprove a permanent closure report will be based on the permanent closure report's demonstration that permanent closure has resulted in long-term neutralization of process waters and material stabilization. If a permanent closure report is disapproved, the ~~director shall~~ Department will provide in writing identification of: (3-18-22)()

- a. Errors or inaccuracies in the permanent closure report; (3-18-22)
- b. Issues or details that require additional clarification; (3-18-22)
- c. Failures to fully implement the approved permanent closure plans; (3-18-22)
- d. Failures to ensure protection for public health, safety, and welfare or to prevent degradation of waters of the state; (3-18-22)
- e. Outstanding violations or other noncompliance issues; and (3-18-22)
- f. Other issues supporting the Department's disagreement with the contents, final conclusions or recommendations of the permanent closure report. (3-18-22)

113. -- 119. (RESERVED)

120. FINANCIAL ASSURANCE REQUIREMENTS.

01. Submittal of Financial Assurance Before Mining. Prior to beginning any mining on a mine panel covered by a reclamation plan, an operator ~~shall~~ will submit to the ~~director~~ Department, on a Department form, financial assurance meeting the requirements of this rule. The initial financial assurance amount must at a minimum cover the anticipated affected acres over the first year of operations. (3-18-22)()

02. Submittal of Financial Assurance Before Operating a Cyanidation Facility. Prior to beginning operation of a cyanidation facility, an operator will submit to the ~~director~~ Department, on a Department form, financial assurance meeting the requirements of Section 47-1512(a)(2), Idaho Code. The financial assurance will be in an amount equal to the total costs estimated under ~~p~~Paragraph 071.02.k. and Section 120 of these rules. (3-18-22)()

03. Timely Financial Assurance Submittal. Financial assurance must be received by the Department within twenty-four (24) months of reclamation or permanent closure plan approval or the Department will cancel the respective plan without prejudice. If financial assurance is not received within eighteen (18) months of a plan approval, the Department will notify the operator that financial assurance is required prior to the twenty-four (24) month deadline. Extensions will be granted by the ~~director~~ Department for reasonable cause given if a written request is received prior to the deadline. If financial assurance or an extension request is not received by the deadline, the plan will be canceled. The operator must then submit a new plan application and application fee to restart the approval process. (3-18-22)()

04. Phased Financial Assurance. If the Department approves a reclamation plan or permanent closure plan with phased financial assurance, then financial assurance may increase or decrease incrementally commensurate with the additional reclamation or permanent closure liability. After construction and operation of the initial phase has commenced and after filing by an operator of the initial financial assurance, an operator will not construct any component of a subsequent phase or phases of the subject mine or cyanidation facility before filing the additional financial assurance amount that is required by the Board. If phased financial assurance is not authorized, the operator is required to file the financial assurance amount required to complete reclamation or permanent closure of all ~~planned phases prior to any construction of the mine or operation of the cyanidation facility~~ lands affected over the next calendar year. (3-18-22)()

05. Financial Assurance for Mines with Five (5) or Less ~~Disturbed~~ Acres of Authorized Land. Financial assurance will be a minimum of five thousand dollars (\$5,000) per acre unless the operator or the Department determine that the estimated reasonable costs of reclamation require a different amount. No financial assurance may exceed fifteen thousand dollars (\$15,000) for a given acre of affected land unless the condition in Subsection 120.07 of these rules have been met. (3-18-22)()

06. Financial Assurance for Cyanidation Facility ~~Affecting with~~ Five (5) or Less ~~Disturbed~~ Acres of Authorized Land. The Board may require financial assurance in excess of five million dollars (\$5,000,000) if the

conditions in Subsection 120.07 of these rules have been met.

(3-18-22)()

07. Process for Requiring Higher Financial Assurance. Financial assurance in excess of the amounts in Subsections 120.05 and 06 of this rule may only be obtained if:

(3-18-22)

a. The Board has determined that such financial assurance is necessary to meet the requirements of the ~~chapter Act~~; and

(3-18-22)()

b. The Board has delivered to the operator, in writing, a notice setting forth the reasons it believes such financial assurance is necessary; and

(3-18-22)

c. The Board has conducted a hearing where the operator is allowed to give testimony to the Board concerning the amount of the proposed financial assurance, as provided by Section 47-1512, Idaho Code. This requirement for a hearing may be waived, in writing, by the operator.

(3-18-22)

08. Financial Assurance for Mine or Cyanidation Facility with More than Five (5) ~~Disturbed~~ Acres of Authorized Land. The amount of financial assurance ~~must will~~ be the amount necessary for the Board to pay the estimated reasonable costs of reclamation required under the reclamation plan or permanent closure plan, including indirect costs in Section 120 of these rules.

(3-18-22)()

09. Mobilization Costs are Direct Costs. Mobilization and demobilization costs will be included in financial assurance calculations as a direct cost. Costs will be calculated to the mine from the nearest community that has at least two (2) contractors able to perform the reclamation.

(3-18-22)

10. Indirect Costs for Reclamation Cost Calculations. Reclamation and permanent closure cost calculations ~~shall will~~ include the following indirect costs and should fall within the percentages given. If a different percentage is used, then a justification must be given. Alternatively, an operator may propose the use of an industry recognized standardized reclamation cost estimation tool for use in reclamation and/or permanent closure cost estimates and the use of the tool's associated indirect costs which are established using the project direct costs as identified:

(3-18-22)()

- a. Contractor profit at six percent to ten percent (6% to 10%) of direct costs; (3-18-22)
- b. Contractor overhead at four percent to eight percent (4% to 8%) of direct costs; (3-18-22)
- c. Contractor insurance at one and a half percent (1.5%) of labor costs; (3-18-22)
- d. Contractor bonding at two and a half percent to three and a half percent (2.5% to 3.5%) of direct costs; (3-18-22)
- e. Contract administration at five percent to nine percent (5% to 9%) of direct costs; (3-18-22)
- f. Re-engineering for mines or cyanidation facilities with direct reclamation costs over five hundred thousand dollars (\$500,000). Re-engineering will be three percent to seven percent (3% to 7%) of direct costs; (3-18-22)
- g. Scope contingency at six percent to eleven percent (6% to 11%) of direct costs; (3-18-22)
- h. Bid contingency at six percent to eleven percent (6% to 11%) of direct costs; and (3-18-22)
- i. Other site specific costs as appropriate. (3-18-22)

11. Salvage Value Not Allowed. Reclamation or permanent closure costs will not be reduced by assigning a salvage value to structures or fixtures to be removed during reclamation.

(3-18-22)

12. Mining Operation Conducted by Public or Government. Notwithstanding any other provision of law to the contrary, the financial assurance provisions of the ~~chapter Act~~ and these rules do not apply to any surface

mining operations conducted by a public or governmental agency for maintenance, repair, or construction of a public highway. (3-18-22)()

13. Annual Financial Assurance Review for Reclamation Plans. At the beginning of each calendar year, the operator ~~shall~~ **must** notify the ~~director~~ **Department** of any increase in the acreage of affected land beyond that covered by the existing financial assurance which will result from planned mining activity within the next twelve (12) months. A commensurate increase in the financial assurance will be required for an increase in affected acreage. Any additional financial assurance required must be submitted on the appropriate form within ninety (90) days of operator's receipt of notice from the Department that an additional amount is required. In no event will mining operations be conducted that would affect additional acreage until the appropriate form and financial assurance has been submitted to the Department. Acreage on which reclamation is complete will be reported in accordance with Subsection 120.16 of these rules and after release of this acreage from the reclamation plan by the ~~director~~ **Department**, the financial assurance will be reduced by the amount appropriate to reflect the completed reclamation. (3-18-22)()

14. Financial Assurance Provided to the Federal Government. Any financial assurance provided to the federal government that also meets the requirements of Section 120 of these rules will be sufficient for the purposes of these rules. A mine providing financial assurance through an order under the Comprehensive Environmental Response, Compensation, and Liability Act is not required to submit financial assurance to the Department as described in ~~Idaho Code Section 47-1512(n)~~, **Idaho Code**. (3-18-22)()

15. Financial Assurance Reduction for Mines. (3-18-22)

a. An operator may petition the ~~director~~ **Department** for a change in the initial financial assurance amount. The ~~director~~ **Department** will review the petition and if satisfied with the information presented a revised financial assurance amount will be determined. The revised amount will be based upon the estimated cost that the ~~director~~ **Department** would incur should a forfeiture of financial assurance occur and it became necessary for the ~~director~~ **Department**, through contracting with a third party, to complete reclamation to the standards established in the plan. (3-18-22)()

b. Upon finding that any land covered by financial assurance will not be affected by mining, the operator will notify the ~~director~~ **Department**. The amount of the financial assurance will be reduced by the amount being held to reclaim those lands. (3-18-22)()

c. Any request for financial assurance reduction will be answered by the ~~director~~ **Department** within thirty (30) days of receiving such request unless weather conditions prevent inspection. (3-18-22)()

16. Financial Assurance Release Following Mine Reclamation. Upon completion of all or a portion of the reclamation or post-closure activity specified in the plan, the operator may notify the ~~director~~ **Department** of ~~his~~ **its** desire to secure release from financial assurance. When the ~~director~~ **Department** has verified that the requirements of the reclamation plan have been substantially met as stated in the plan, the financial assurance will be released. (3-18-22)()

a. Any request for financial assurance release will be answered by the ~~director~~ **Department** within thirty (30) days of receiving such request unless weather conditions prevent inspection. (3-18-22)()

b. If the ~~director~~ **Department** finds that a specific portion of the reclamation or post-closure has been substantially completed, the financial assurance may be reduced to the amount required to complete the remaining reclamation or post-closure. The following schedule will be used to complete these financial assurance reductions unless the ~~director~~ **Department** determines in a specific case that this schedule is not appropriate and specifies a different schedule, or the approved reclamation plan has a different schedule based on site-specific conditions. (3-18-22)()

i. Sixty percent (60%) of the financial assurance may be released when the operator completes the required backfilling, regrading, topsoil replacement, and drainage control of a specific area in accordance with the approved reclamation plan; and (3-18-22)

ii. After revegetation activities have been performed by the operator on the regraded lands, according to the approved reclamation plan, the Department may release an additional twenty-five percent (25%) of the financial assurance. (3-18-22)

c. The remaining financial assurance ~~shall~~ will not be released: (3-18-22)()

i. As long as the affected lands are contributing suspended solids to surface waters outside the affected area in excess of state water quality standards and in greater quantities than existed prior to the commencement of mining operations; (3-18-22)

ii. Until final removal of equipment and structures related to the mining activity or until any remaining equipment and structures are brought under an approved reclamation plan and financial assurance by a new operator; and (3-18-22)

iii. Until all temporary sediment or erosion control structures have been removed and reclaimed or until such structures are brought under an approved reclamation plan and financial assurance by a new operator. (3-18-22)

17. Corporate Guarantee Released First. If an operator provides part of their financial assurance through a corporate guarantee, then the corporate guarantee will be released prior to any other type of financial assurance being released. Other types of financial assurance will only be released after the corporate guarantee has been completely released. (3-18-22)

18. Cooperative Agreements. The ~~director~~ Department may through private conference, conciliation, and persuasion reach a cooperative agreement with the operator to correct deficiencies in complying with the reclamation plan and thereby postpone action to forfeit the financial assurance and cancel the reclamation plan if all deficiencies are satisfactorily corrected within the time specified by the cooperative agreement. (3-18-22)()

19. Permanent Closure Financial Assurance Review. The Department will periodically review all financial assurances filed for permanent closure to determine their sufficiency to complete the work required by an approved permanent closure plan. For reviews conducted under paragraphs a and b the ~~director~~ Department may employ a qualified independent party to verify the accuracy of the revised permanent closure cost estimate as described in ~~p~~ Paragraph 071.05.b. of these rules. (3-18-22)()

a. Once every three (3) years, the operator must submit an updated permanent closure cost estimate to the Department for review. The ~~director~~ Department will review the updated estimate to determine whether the existing financial assurance amount is adequate to implement the permanent closure plan, as approved by the Department. Any resulting change in the financial assurance amount does not in and of itself require an amendment to the permanent closure plan as may be required by Section 091 of these rules. The ~~director~~ Department will review the estimate to determine whether the existing financial assurance amount is adequate to complete permanent closure of the cyanidation facility. (3-18-22)()

b. When the ~~director~~ Department determines that there has been a material change in the estimated reasonable costs to complete permanent closure: (3-18-22)()

i. The ~~director~~ Department will notify the operator in writing of ~~his~~ its intent to reevaluate the financial assurance amount. Within a reasonable time period determined by the Department, the operator will provide to the Department a revised cost estimate to complete permanent closure as approved by the Department. (3-18-22)()

ii. The Department will then notify the operator in writing W within thirty (30) days of receipt of the revised cost estimate, ~~the director will notify the operator in writing of his determination of financial assurance adequacy; if the estimate is complete; and~~ (3-18-22)()

iii. Within ninety (90) days of notification of the ~~director~~ Department's assessment, the operator will make the appropriate adjustment to the financial assurance or the ~~director~~ Department will reduce the financial assurance as appropriate. (3-18-22)()

c. The Department may conduct an internal review of the amount of each financial assurance annually to determine whether it is adequate to complete permanent closure. (3-18-22)

20. Permanent Closure Financial Assurance Release. (3-18-22)

a. A financial assurance filed for permanent closure of a cyanidation facility will be released according to the schedule in the permanent closure plan. The schedule will include provisions for the release of the post-closure monitoring and maintenance portions of the financial assurance. The schedule may be adjusted to reflect the operator's performance of permanent closure activities and their demonstrated effectiveness. (3-18-22)

b. Upon completion of an activity required by an approved permanent closure plan, the operator may request in writing a financial assurance reduction for that activity. The Department will notify the operator within thirty (30) days whether or not the activity meets the requirements of the permanent closure plan. When the ~~director~~ Department, in consultation with DEQ, has verified that the activity meets the requirements of the permanent closure plan, the financial assurance will be reduced by an amount to reflect the activity completed. (3-18-22)()

c. Upon the ~~director~~ Department's determination that all activities specified in the permanent closure plan have been successfully completed, the Department will, in accordance with Section 47-1512(i), Idaho Code, release the balance remaining after partial financial assurance releases. (3-18-22)()

21. Liabilities for Reclamation Costs Not Covered by Financial Assurance. An operator who is not required to furnish financial assurance by these rules but fails to reclaim may be subject to a civil penalty under Section 47-1513(c), Idaho Code. The amount of the civil penalty will be the estimated cost of reasonable reclamation of affected lands as determined by the ~~director~~ Department. Reasonable reclamation of the site will be presumed to be in accordance with the standards established in the approved reclamation plan. The amount of the civil penalty is in addition to those described in Section 47-1513(f), Idaho Code. (3-18-22)()

22. Appeal Process for Financial Assurance Decisions. All decisions regarding financial assurance extension requests, plan cancellation, financial assurance reduction, or financial assurance release as described in Section 120 of these rules are subject to appeal as described in Section 58-104, Idaho Code, and Section 47-1514, Idaho Code. (3-18-22)()

121. (RESERVED)

122. FORM OF FINANCIAL ASSURANCE.

01. Corporate Surety Bond. (3-18-22)

a. A corporate surety bond is an indemnity agreement executed for the operator and a corporate surety licensed to do business in the state of Idaho, filed on the appropriate Department form. The bond must be payable to the state of Idaho and conditioned to require the operator to faithfully perform all requirements of the ~~chapter Act~~, and the rules in effect on the date that a reclamation plan or a permanent closure plan was approved by the Department. (3-18-22)()

b. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties in Circular 570 of the U.S. Department of the Treasury. (3-18-22)

c. When replacement financial assurance is submitted, the following rider must be filed with the Department as part of the replacement before the existing financial assurance will be released: "[Surety company or principal] understands and expressly agrees that the liability under this bond shall extend to all acts for which reclamation is required on areas ~~disturbed~~ affected in connection with reclamation plan or permanent closure plan [number], both prior to and subsequent to the date of this rider." (3-18-22)()

02. Collateral Bond. A collateral bond is an indemnity agreement executed by or for the operator, payable to the state of Idaho, pledging cash deposits, government securities, real property, time deposit receipts, or certificates of deposit of any financial institution authorized to do business in the state. Collateral bonds are subject to

the following conditions. (3-18-22)

a. The ~~director shall~~ Department will obtain possession of cash or other negotiable collateral bonds, and, upon receipt, deposit them with the state treasurer to hold them in trust for the purpose of bonding reclamation or permanent closure performance. (3-18-22)()

b. The ~~director shall~~ Department will value the collateral at its current market value minus any penalty for early withdrawal, not its face value. (3-18-22)()

c. Certificates of deposit or time deposit receipts are issued or assigned, in writing, to the state of Idaho and upon the books of the financial institution issuing such certificates. Interest will be allowed to accrue and may be paid by the bank, upon demand and after written release by the Department, to the operator or another person who posted the collateral bond. (3-18-22)

d. Amount of an individual certificate of deposit or time deposit receipt may not exceed the maximum amount insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation or their successors. (3-18-22)

e. Financial institutions issuing certificates of deposit or time deposit receipts will waive all rights of set-off or liens which it has or might have against such certificates, and will place holds on those funds that prevent the operator from withdrawing funds until the Department sends a written release to the bank. (3-18-22)

f. Certificates of deposit and time deposit receipts must be automatically renewable. (3-18-22)

03. Letters of Credit. A letter of credit is an instrument executed by a bank doing business in Idaho, made at the request of a customer. A letter of credit states that the issuing bank will honor drafts for payment upon compliance with the terms of the credit. Letters of credit are subject to the following conditions. (3-18-22)

a. All credits must be irrevocable and prepared in a format prescribed by the ~~director~~ Department. (3-18-22)()

b. All credits must be issued by an institution authorized to do business in the state of Idaho or through a correspondent bank authorized to do business in the state of Idaho. (3-18-22)

c. The account party on all credits must be identical to the entity identified in the reclamation plan or in the permanent closure plan and on the cyanidation facility permit as the party obligated to complete reclamation or permanent closure. (3-18-22)

04. Real Property. Real property used as a collateral bond must be a perfected, first lien security interest in real property located within the state of Idaho, in favor of the state of Idaho, which meets the requirements of these rules using a deed of trust form acceptable to the Department for all lands forty (40) acres or less, or a mortgage form approved by the Department for all lands over forty (40) acres. (3-18-22)

a. The following information must be submitted for real property collateral: (3-18-22)

i. The value of the real property. The property will be valued at the difference between the fair market value and any reasonable expense anticipated by the Department in selling the property. The fair market value will be determined by an appraisal conducted by a licensed appraiser. The appraiser will be selected by the Department and the Department will provide appraisal instructions; however, the operator may propose an appraiser to the Department. The appraisal will be performed in a timely manner, and a copy sent to the Department and the operator. The expense of the appraisal will be borne by the operator. The real property will be reappraised every three (3) years; (3-18-22)

ii. A description of the property and a site improvement survey plat to verify legal descriptions of the property and to identify the existence of recorded easements; (3-18-22)

iii. Proof of ownership and title to the real property; (3-18-22)

iv. A current title binder which provides evidence of clear title containing no exceptions, or containing only exceptions acceptable to the ~~director~~ Department; and (3-18-22)()

v. Phase I environmental assessment. (3-18-22)

b. Real property will not include any lands in the process of being mined, reclaimed, or planned to be mined under an approved reclamation plan. The operator may offer any lands within a reclamation plan that have received full release of financial assurances. In addition, any land used as a security will not be mined or otherwise ~~disturbed~~ affected while it is a security. The acceptance of real property within the permit boundary will be at the discretion of the ~~director~~ Department. (3-18-22)()

05. Trusts. Trusts are subject to the requirements of Section 47-1512(l) and 68-101, Idaho Code. The proposed trustee, range of investments, initial funding, schedule of payments, trustee fees, and expected rate of return are subject to review and approval by the Department through a memorandum of agreement with the operator. The trustee will invest the principal and income of the fund in accordance with general investment practices. Investments can include equities, bonds, and government securities and be well diversified in accordance with the following conditions: (3-18-22)

a. The joint party on the trust must be identical to the entity identified in the reclamation plan or in the permanent closure plan as the party obligated to complete reclamation or permanent closure. (3-18-22)

b. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. (3-18-22)

c. Equities may include stock funds, stock index funds, or individual stocks, but an individual stock may not exceed five percent (5%) of the total value of the trust. Direct investments in the operator's company or parent company are not allowed. Corporate equities must not exceed seventy percent (70%) of the total value of the trust fund. (3-18-22)

d. Bonds or money market funds must be investment-grade rated securities from a nationally recognized securities rating service. Individual corporate bonds may not exceed five percent (5%) of the total value of the trust. (3-18-22)

e. Payments into the trust will be made as follows: (3-18-22)

i. When used to cover reclamation or permanent closure costs, the trust fund will be initially funded in an amount needed to cover any surface disturbance in the first year of the trust fund. Annual payments into the trust will occur as needed prior to the disturbance of additional affected land at the mine or cyanidation facility. (3-18-22)

ii. When used to cover a portion of reclamation or permanent closure costs in combination with other types of financial assurance, the initial and annual payments will be the pro-rata amount of the reclamation or permanent closure costs as described in subparagraph 122.05.e.i of these rules. (3-18-22)

iii. When used to cover the anticipated post-closure costs, a payment schedule will be created in the memorandum of agreement. The trust fund, together with the anticipated earnings, must be enough at the expected start of the post-closure period to cover the costs of the post-closure period. (3-18-22)

f. Disbursements from the trust will only occur upon written authorization of the Department. Disbursements include payments to the trustee or any other payment of funds not related to financial assurance release and not specifically mentioned in the memorandum of agreement. (3-18-22)

g. Trusts will be irrevocable. (3-18-22)

h. Income accrued on trust funds will be retained in the trust, except as otherwise agreed by the ~~director~~ Department under the terms of an agreement governing the trust. (3-18-22)()

06. Corporate Guarantees. (3-18-22)

a. Up to fifty percent (50%) of required financial assurance for reclamation costs may be provided by a corporate guarantee. Post-closure costs for reclamation plans and permanent closure plans cannot be covered by a corporate guarantee. (3-18-22)

b. Only operators who submit plans under Sections 070 or 071 of these rules may provide a corporate guarantee. (3-18-22)

c. Operators who want to provide financial assurance through a corporate guarantee must provide an audited financial statement from a third-party certified public accountant that meets the requirements of IDAPA 24.30.01, ~~the Idaho Accountancy Rule~~. The audited financial statement must show the operator meets two (2) of the following three (3) criteria and the criteria in paragraph d of this section: (3-18-22)()

i. Ratio of total liabilities to stockholder's equity is less than two (2) to one (1); (3-18-22)

ii. Ratio of sum of net income plus depreciation, depletion, and amortization to total liabilities greater than ten one-hundredths (0.1) to one (1); or (3-18-22)

(1). iii. Ratio of current assets to current liabilities greater than one and fifty one-hundredths (1.5) to one (3-18-22)

d. The following financial criteria must also be met for a corporate guarantee: (3-18-22)

i. Net working capital and tangible net worth are each equal to or greater than the total reclamation or permanent closure cost estimate; (3-18-22)

ii. Tangible net worth of at least ten million dollars (\$10,000,000); and (3-18-22)

iii. At least ninety percent (90%) of the corporation's total assets are in the United States, or the total assets in the United States are at least six (6) times greater than total reclamation or permanent closure cost estimate. (3-18-22)

e. A corporate guarantee can be provided by a parent company guarantor if that guarantor meets the conditions of paragraphs (c) and (d) in this section as if it were the operator. The terms of this corporate guarantee will provide for the following: (3-18-22)

i. The operator and the parent company will submit to the Department an indemnity agreement signed by corporate officers from both companies who are authorized to bind their corporations. The operator or parent company must also provide an affidavit certifying that such an agreement is valid under all applicable federal and state laws. The indemnity agreement will bind each party jointly and severally; (3-18-22)

ii. If the operator fails to complete reclamation or permanent closure, the parent company guarantor will do so or the guarantor will be liable under the indemnity agreement to provide funds to the Department sufficient to complete reclamation or permanent closure as per the plan, but not to exceed the financial assurance amount; (3-18-22)

iii. The corporate guarantee will remain in force unless the parent company guarantor sends notice of cancellation by certified mail to the operator and to the Department at least ninety (90) days in advance of the cancellation date, and the Department accepts the cancellation; ~~and~~ (3-18-22)()

iv. The cancellation will be accepted by the Department only if the operator obtains replacement financial assurance before the cancellation date or if the lands for which the corporate guarantee, or portion thereof, was accepted have not been ~~disturbed~~, ~~affected~~; and (3-18-22)()

v. If the operator is a partnership or joint venture, the indemnity agreement will bind each partner or member who has a beneficial interest, directly or indirectly, in the operator. (3-18-22)

f. The operator, or parent company guarantor, is required to either complete the approved reclamation or permanent closure plan for the lands in default, or pay to the Department an amount necessary to complete the approved reclamation, not to exceed the amount established in Section 120 of these rules. (3-18-22)

g. The operator or parent company guarantor will submit an annual update of the information required under paragraphs (c) and (d) of this section by April 1 following the issuance of the corporate guarantee. (3-18-22)

h. If the operator or parent company guarantor's financial fitness falls below the eligibility for providing a corporate guarantee they will immediately notify the Department, and the Department will require the operator to submit replacement financial assurance within ninety (90) days of being notified. (3-18-22)

i. The Department may require the operator or parent company guarantor to provide an update of the information in paragraphs (c) and (d) in this section at any time. The update must be provided within thirty (30) days of being requested. The requirements of paragraph (h) in this Section will then apply. (3-18-22)

07. Blanket Financial Assurance. Where an operator is involved in more than one (1) reclamation plan or permanent closure plan ~~permitted~~ approved by the Department, the ~~director~~ Department may accept a blanket financial assurance in lieu of separate reclamation or permanent closure financial assurances under the approved plans. The amount of such financial assurance must be equal to the total of the requirements of the separate financial assurances being combined into a single financial assurance, as determined pursuant to Section 47-1512, Idaho Code, and in accordance with Section 120 of these rules. The principal is liable for an amount no more than the financial assurance filed for completion of reclamation activities or permanent closure activities if the Department takes action against the financial assurance pursuant to Section 47-1513, Idaho Code and Section 123 of these rules. (3-18-22)()

08. Reclamation Fund. Reclamation plans processed under Section 069 of these rules may provide financial assurance through the Reclamation Fund established by Section 47-18, Idaho Code, and IDAPA 20.03.03. If financial assurance is provided through the Reclamation Fund, no other type of financial assurance may be combined with it on an individual mine site. (3-18-22)

09. Multiple Forms of Financial Assurance Accepted. An operator may combine more than one type of financial assurance, within the limitations of each type of financial assurance, to reach the full amount of the required financial assurance for a reclamation plan or permanent closure plan. (3-18-22)

123. FORFEITURE OF FINANCIAL ASSURANCE.

A financial assurance may be forfeited in accordance with Section 47-1513, Idaho Code, when the operator has not conducted the reclamation or has not conducted permanent closure in accord with an approved plan and the applicable requirements of these rules. (3-18-22)

124. -- 129. (RESERVED)

130. ~~TRANSFER~~ ASSIGNMENT OF APPROVED PLANS.

01. Reclamation Plans. A reclamation plan may be ~~transferred~~ assigned from one (1) operator to another only after the Department's approval. To complete ~~a transfer~~ an assignment, the new applicant must file a notarized ~~assumption of reclamation plan form as prescribed by the~~ Department form and provide replacement financial assurance. The new operator is responsible for the past operator's obligations under the ~~chapter Act~~, these rules, and the reclamation plan. (3-18-22)()

02. Permanent Closure Plans. An approved permanent closure plan permit may be ~~transferred~~ assigned to a new operator if ~~he~~ they provides written notice to the ~~director~~ Department that includes a specific date for ~~transfer~~ assignment of permanent closure responsibility, coverage, and liability between the old and new operators no later than ten (10) days after the date of closure. An operator is required to provide such notice at the same time ~~he~~ they provides notice to the DEQ as required in IDAPA 58.01.13, "Rules for Ore Processing by Cyanidation." To complete ~~a transfer~~ an assignment, the new applicant must: (3-18-22)()

a. File a notarized ~~assumption of permanent closure plan form as prescribed by the~~ Department ~~form;~~ **form;**
and (3-18-22)()

b. File a replacement permanent closure plan financial assurance ~~on a form approved by the~~
Department. (3-18-22)()

131. -- 139. (RESERVED)

140. BEST MANAGEMENT PRACTICES AND RECLAMATION FOR MINING OPERATION AND PERMANENT CLOSURE OF CYANIDATION FACILITIES.

These are the minimum standards expected for all activities covered by these rules. Specific standards for individual mines may be appropriate based on site specific circumstances, and must be described in the plan. (3-18-22)

01. Nonpoint Source Control. (3-18-22)

a. Appropriate BMPs for nonpoint source controls will be designed, constructed, and maintained with respect to site-specific mining operations or permanent closure activities. Operators ~~shall~~ **must** utilize BMPs designed to achieve state water quality standards and to protect existing beneficial uses of adjacent waters of the state. State water quality standards, as administered by DEQ, is the standard that must be achieved by BMPs. (3-18-22)()

b. If the BMPs utilized by the operator do not result in compliance with Subsection 140.01.a., the ~~director shall~~ **Department will** require the operator to modify or improve such BMPs to meet the controlling, water quality standards as set forth in current laws, rules, and regulations. (3-18-22)()

02. Sediment Control. In addition to proper mining techniques and reclamation measures, the operator ~~shall~~ **must** take necessary steps at the close of each operating season to assure that sediment movement associated with surface runoff over the area is minimized in order to achieve water quality standards, or to preserve the condition of water runoff from the mined area prior to commencement of the subject mining or exploration operations, whichever is the more appropriate standard. Sediment control measures refer to best management practices carried out within and, if necessary, adjacent to the ~~disturbed area~~ **affected land** and consist of utilization of proper mining and reclamation measures, as well as specific necessary sediment control methods, separately or in combination. Specific sediment control methods may include, but are not limited to: (3-18-22)()

a. Keeping the ~~disturbed area~~ **affected land** to a minimum at any given time through progressive reclamation; (3-18-22)()

b. Shaping waste to help reduce the rate and volume of water runoff by increasing infiltration; (3-18-22)

c. Retaining sediment within the ~~disturbed area~~ **affected land**; (3-18-22)()

d. Diverting surface runoff around the ~~disturbed area~~ **affected land**; (3-18-22)()

e. Routing runoff through the ~~disturbed area~~ **affected land** using protected channels or pipes so as not to increase sediment load; (3-18-22)()

f. Use of riprap, straw dikes, check dams, mulches, temporary vegetation, or other measures to reduce overland flow velocities, reduce runoff volume, or retain sediment; and (3-18-22)

g. Use of adequate sediment ponds, with or without chemical treatment. (3-18-22)

03. Clearing and Grubbing. Clearing and grubbing of land in preparation for mining exposes mineral soil to the erosive effects of moving water. Operators are cautioned to keep such areas as small as possible (preferably no more than one (1) year's mining activity) as the operator is required to meet the applicable surface water quality standards on all such areas. Where practicable, trees and slash should be stockpiled for use in seedbed protection and erosion control. (3-18-22)

04. Overburden/Topsoil. To aid in the revegetation of affected lands where mining operations result in the removal of substantial amounts of overburden including any topsoil, the operator should remove the available topsoil or other growth medium as a separate operation for such area. Unless there are previously affected lands which are graded and immediately available for placement of the newly removed topsoil or other growth medium, the topsoil or other growth medium will be stockpiled and protected from erosion and contamination until such areas become available. (3-18-22)

a. Overburden/Topsoil Removal. (3-18-22)

i. Any overburden/topsoil to be removed should be removed prior to any other mining activity to prevent loss or contamination; (3-18-22)

ii. Where overburden/topsoil removal exposes land area to potential erosion, the ~~director~~ Department, under the reclamation plan, may require BMPs necessary to prevent violation of water quality standards; and (3-18-22)()

iii. Where the operator can show that an overburden material other than topsoil is conducive to plant growth, or where overburden other than topsoil is the only material reasonably available, such overburden may be allowed as a substitute for or a supplement to the available topsoil. (3-18-22)

b. Topsoil Storage. Topsoil stockpiles will be placed to minimize rehandling and exposure to excessive wind and water erosion. Topsoil stockpiles will be protected as necessary from erosion by use of temporary vegetation or by other methods which will control erosion, including, but not limited to, silt fences, chemical binders, seeding, and mulching. (3-18-22)

c. Overburden Storage. Stockpiled ridges of overburden will be leveled in such a manner as to have a minimum width of ten (10) feet at the top. Peaks of overburden will be leveled in such a manner as to have a minimum width of fifteen (15) feet at the top. The overburden piles will be reasonably prepared to control erosion using best management practices; such activities may include terracing, silt fences, chemical binders, seeding, mulching or slope reduction. (3-18-22)

d. Topsoil Placement. ~~Abandoned~~ Where appropriate slope angle allows, affected lands must be covered with topsoil or other type of overburden that is conducive to plant growth, to the extent such materials are readily available, in order to achieve a stable uniform thickness. Excessive compaction of overburden and topsoil is to be avoided. Topsoil redistribution will be timed so that seeding, or other protective measures, can be readily applied to prevent compaction and erosion. (3-18-22)()

e. Fill. Backfill and fill materials should be compacted in a manner to ensure stability. (3-18-22)

05. Roads. (3-18-22)

a. Roads must be constructed to minimize soil erosion, which may require restrictions on the length and grade of the roadbed, surfacing of roads with durable non-toxic material, stabilization of cut and fill slopes, and other techniques designed to control erosion. (3-18-22)

b. All access and haul roads must be adequately drained. Drainage structures may include, but are not limited to, properly installed ditches, water-bars, cross drains, culverts, and sediment traps. (3-18-22)

c. Culverts that are to be maintained for more than one (1) year must be designed to pass peak flows from not less than a twenty (20) year, twenty-four (24) hour precipitation event and have a minimum diameter of eighteen (18) inches. (3-18-22)

d. Roads and water control structures will be maintained at periodic intervals as needed. Water control structures serving to drain roads must not be blocked or restricted in any manner to impede drainage or significantly alter the intended purpose of the structure. (3-18-22)

e. Roads that will not be recontoured to approximate original contours upon abandonment will be

cross-ditched and revegetated, as necessary, to control erosion. (3-18-22)

f. Roads that are not abandoned and continue to be used under the jurisdiction of a governmental or private landowner, will comply with the nonpoint source sediment control provisions of Subsection 140.02 until the successor assumes control. (3-18-22)

06. Backfilling and Grading. (3-18-22)

a. Every operator who conducts mining or cyanidation facility operations which disturb less than two (2) acres ~~shall will~~, where possible, contour the ~~disturbed affected~~ land to its approximate previous contour. These lands must be revegetated in accordance with Subsection 140.11. (3-18-22)()

b. An operator who conducts mining or cyanidation facility operations which disturb two (2) acres or more ~~shall will~~ reduce all waste piles and depressions to the lowest practicable grade. This grade ~~shall must~~ not exceed the angle of repose or maximum slope of natural stability for such waste or generate erosion in which sediment enters waters of the state. (3-18-22)()

c. Backfill and fill materials should be compacted in a manner to ensure mass and surface stability. (3-18-22)

d. After the ~~disturbed affected~~ area has been graded, slopes will be measured for consistency with the approved reclamation plan or the permanent closure plan. (3-18-22)()

07. Disposal of Waste in Areas Other Than Mine Excavation. Waste material not used to backfill mined areas will be transported and placed in a manner designed to stabilize the waste piles and control erosion. (3-18-22)

a. The available disposal area should be on a moderately sloped, naturally stable area. The site should be near the head of a drainage to reduce the area of watershed above the fill. (3-18-22)

b. All surface water flows within the disposal area must be diverted and drained using accepted engineering practices such as a system of French drains, to keep water from entering the waste pile. These measures must be implemented in accordance with standards prescribed by the Idaho Stream Channel Protection Act, [Title 42, Chapter 38](#), Idaho Code, and the Idaho Dam Safety Act, Sections [42-1710](#) through [42-1721](#), Idaho Code, if applicable. (3-18-22)

c. The waste material not used in backfilling mined areas should be compacted, where practical, and should be covered and graded to allow surface drainage and ensure long-term stability. (3-18-22)

d. The operator may, if appropriate, use terraces or slope reduction to stabilize the face of any fill. Slopes of the fill material should not exceed angle of repose or generate erosion in which sediment enters waters of the state. (3-18-22)

e. Unless adequate drainage is provided through a fill area, all surface water above the fill must be diverted away from the fill area into protected channels, and drainage ~~shall will~~ not be directed over the unprotected face of the fill. (3-18-22)()

f. The operator will conduct revegetation activities with respect to such waste piles in accordance with Subsection 140.11 of these rules. (3-18-22)

08. Settling Ponds; Minimum Criteria. (3-18-22)

a. Sediment Storage Volume. Settling ponds will provide adequate sediment storage capacity to achieve compliance with applicable water quality standards and protect existing beneficial uses, and may require periodic cleaning and proper disposal of sediment. (3-18-22)

b. Water Detention Time. Settling ponds ~~shall will~~ have an adequate theoretical detention time for

water inflow and runoff entering the pond, but theoretical detention time may be reduced by improvements in pond design, chemical treatment, or other methods. (3-18-22)()

c. Emergency Spillway. In addition to the sediment storage volume and water detention time, settling ponds must be designed to withstand and release storm flows as required by the Idaho Dam Safety Act, Section 42-1710 through 42-1721, Idaho Code, and Safety of Dams Rules, where applicable. (3-18-22)()

09. Tailings—~~Facilities~~ Ponds. All tailings ponds, dams, or other types of tailings—~~facilities~~ infrastructure must be designed, constructed, operated, and decommissioned so that upon their abandonment, the dam and impoundment area will meet applicable surface and ground water quality standards and not otherwise constitute a hazard to human or animal life. (3-18-22)()

a. Design criteria, construction techniques, and decommission techniques for tailings dams and impoundments ~~shall~~ must comply with the Idaho Dam Safety Act, Sections 42-1710 through 42-1721, Idaho Code, and applicable rules and regulations. (3-18-22)()

b. Topsoil will be removed from the area to be affected by the impounding structure, tailings pond, or other tailings ~~facilities~~ infrastructure in accordance with Subsection 140.04 of these rules. (3-18-22)()

c. Abandonment and Decommissioning of Tailings Impoundments. (3-18-22)

i. Dewatering. Tailings ponds will be dewatered to the extent necessary to provide an adequate foundation for the approved post-mining use. (3-18-22)

ii. Control of surface waters. Surface waters ~~shall~~ will either be channeled around the reservoir and impoundment structure or through the reservoir and breached structure. Permanent civil structures must be designed and constructed to implement either method of channeling. The structure ~~shall~~ must provide for erosion-free passage of waters and adequate energy dissipation prior to entry into the natural drainage below the impounding structure. (3-18-22)()

iii. Detoxification. Hazardous chemical residues within the tailings pond must be detoxified or covered with an adequate thickness of non-toxic material, to the extent necessary to achieve water quality standards in the state. (3-18-22)

iv. Reclamation. After implementing the required dewatering, detoxification, and surface drainage control measures, the reservoir and impounding structure will be covered with topsoil or other material conducive to plant growth, in accordance with Subsection 140.04 of these rules. Where such soils are limited in quantity or not available, and upon approval by the Department, physical or chemical methods for erosion control may be used. All such areas are to be revegetated in accordance with Subsection 140.11 of these rules, unless specified otherwise. (3-18-22)

d. When the operator requests termination of its reclamation or permanent closure plan, pursuant to Section 150 of these rules, impoundment structures and any reservoirs retained as fresh water reservoirs after final reclamation or permanent closure are required to conform with the Idaho Dam Safety Act, Sections 42-1710 through 42-1721, Idaho Code, if applicable. (3-18-22)

10. Permanent Cessation and Time Limits for Planting. (3-18-22)

a. Seeding and planting of affected lands or a permanently closed cyanidation facility should be conducted during the first normal period for favorable planting conditions after final seedbed preparation. (3-18-22)

b. Reclamation activities, where possible, are encouraged to be concurrent with the mining operation and may be included in the approved reclamation plan. Final reclamation must begin within one (1) year after the mining operations have permanently ceased on a mine panel. If the operator permanently ceases disposing of overburden on a waste area or permanently ceases removing minerals from a pit or permanently ceases using a road or other affected land, the reclamation activity on each given area must start within one (1) year of such cessation, despite the fact that all operations as to the mine panel, which included such pit, road, overburden pile, or other

affected land, has not permanently ceased.

(3-18-22)

c. An operator is presumed to have permanently ceased mining operations on a given portion of affected land when no substantial amount of mineral or overburden material has been removed or overburden placed on an overburden dump, or no significant use has been made of a road during the prior three (3) years. If an operator does not plan to use an affected area for three (3) or more years but intends thereafter to use the affected area for mining operations and desires to defer final reclamation until after its subsequent use, the operator must submit a notice of intent and request for deferral of reclamation to the ~~director~~ Department, in writing. If the ~~director~~ Department determines that the operator plans to continue the operation within a reasonable period of time, ~~the director shall~~ it will notify the operator and may require actions to be taken to reduce degradation of surface resources until operations resume. If the ~~director~~ Department determines that use of the affected land for mining operations will not be continued within a reasonable period of time, ~~the director~~ it may proceed as though the mining operation has been abandoned, but the operator will be notified of such decision at least thirty (30) days before taking any formal administrative action. (3-18-22)()

11. Revegetation Activities.

(3-18-22)

a. The operator ~~shall~~ must select and establish plant species that can be expected to result in vegetation comparable to that growing on the affected lands or on a closed cyanidation facility prior to mining or cyanidation facility operations, respectively. Certified weed free seed should be used in revegetation. The operator may use available technical data and results of field tests for selecting seeding practices and soil amendments which will result in viable revegetation. These practices of selection may be included in an approved reclamation plan or permanent closure. (3-18-22)()

b. Unless otherwise specified in the approved reclamation or permanent closure plan, the success of revegetation efforts is measured against the existing vegetation on site prior to the mining or cyanidation facility operation, or against an adjacent reference area supporting similar types of vegetation. (3-18-22)

i. The ground cover of living plants on the revegetated area should be comparable to the ground cover of living plants on the adjacent reference area for two (2) full growing seasons after cessation of soil amendment or irrigation. (3-18-22)

ii. For purposes of this rule, ground cover is considered comparable if it has, on the area actually planted at least seventy percent (70%) of the premining ground cover for the mined area or adjacent reference area; (3-18-22)

iii. For locations with an average annual precipitation of more than twenty-six (26) inches, the ~~director~~ Department, in approving a reclamation or permanent closure plan, may set a minimum standard for success of revegetation as follows: Vegetative cover of seventy percent (70%) for two (2) full growing seasons in areas planted to herbaceous species only; or fifty percent (50%) vegetative cover for two (2) full growing seasons and six hundred (600) woody plants per acre in areas planted to a mixture of herbaceous and woody species. (3-18-22)()

iv. As used in this section, “herbaceous species” means grasses, legumes, and other forbs; “woody plants” means woody shrubs, trees, and vines; and “ground cover” means the area of the ground surface covered by the combined aerial parts of vegetation and the litter that is produced naturally on-site, expressed as a percentage of the total area measured. Rock surface areas will be excluded from this calculation. (3-18-22)

v. For previously mined areas that were not reclaimed to the standards required by Section 140, and which are affected by the mining or cyanidation facility operations, vegetation should be established to the extent necessary to control erosion, but ~~shall~~ will not be less than that which existed before redisturbance; and (3-18-22)()

vi. Vegetative cover ~~shall~~ will not be less than that required to control erosion. (3-18-22)()

c. Introduced species may be planted if they are known to be comparable to previous vegetation, or if known to be of equal or superior use for the approved post-mining use of the affected land, or, if necessary, to achieve a quick, temporary cover for soil stabilization purposes. Species classified as poisonous or noxious weed species ~~shall~~

will not be used in revegetation.

(3-18-22)()

d. By mutual agreement of the ~~director~~ Department, the landowner, and the operator, a site may be converted to a different, more desirable or more economically suitable habitat.

(3-18-22)()

e. Planting of grasses and forbs should be done in a manner which promotes rapid stabilization of the soil surface. Wherever terrain permits, grasses and forbs should be drilled or compacted into the ground using agricultural grass planting equipment or other seeders specifically designed for mine revegetation applications. Broadcast and hydroseeding may be used on areas where other methods are impractical or unavailable. (3-18-22)

f. The operator should plant shrubs or shrub seed, as required, where shrub communities existed prior to mining. Shrub seed may be planted as a portion of a grass seed mix or planted as bare-root transplants after grass seeding. Where the landowner desires a specific land use such as grazing or cropland, shrubs will not be required in the revegetation species mix. Shrub lands undergoing revegetation with shrubs will be protected from erosion by vegetation, chemical, or other acceptable means during establishment of the shrubs. (3-18-22)

g. Reforestation. Tree stocking of forestlands should meet the following criteria: (3-18-22)

i. Trees that are adapted to the site should be planted on the area to be revegetated in a density which can be expected over time to yield a timber stand comparable to premining timber stands; (3-18-22)

ii. Trees will be established for two (2) full growing seasons after cessation of any soil amendments and irrigation before they are considered to be established; and (3-18-22)

iii. Forestlands undergoing revegetation with trees should be protected from erosion by vegetation, chemical binders, or other acceptable means during seedling establishment. (3-18-22)

h. Revegetation is not required on the following areas: (3-18-22)

i. Affected lands, or portions thereof, where planting is not practicable or reasonable because the soil is composed of excessive amounts of sand, gravel, shale, stone, or other material to such an extent to prohibit plant growth; (3-18-22)

ii. Any mined area or overburden stockpiles proposed to be used in the mining operations for haulage roads, so long as those roads are not abandoned; (3-18-22)

iii. Any mined area or overburden stockpile, where lakes are formed by rainfall or drainage runoff from adjoining lands; (3-18-22)

iv. Any mineral stockpile; (3-18-22)

v. Any exploration trench which will become a part of a pit or an overburden disposal area; and (3-18-22)

vi. Any road which is to be used in mining operations, so long as the road is not abandoned. (3-18-22)

i. Mulching. Mulch should be used on severe sites and may be required by the reclamation or permanent closure plan where slopes are steeper than three to one (3:1) or the mean annual rainfall is less than twelve (12) inches. When used, straw or hay mulch should be obtained from certified weed free sources. "Mulch" means vegetation residues or other suitable materials to aid in the stabilization of soil and soil moisture conservation which will provide a micro-climate more suitable for germination and growth on severe sites. Annual grains such as rye, oats, and wheat may be used as a substitute for mulch where they will provide adequate protection and will be replaced by permanent species within a reasonable length of time. (3-18-22)

12. Petroleum-Based Products and Chemicals. All refuse, chemical and petroleum products and equipment should be stored and maintained in a designated location away from surface water and disposed of in such a manner as to prevent their entry into a waterway. (3-18-22)

141. -- 149. (RESERVED)

150. TERMINATION OF A PLAN.

01. Terminate upon Request of the Operator. A reclamation plan ~~shall~~ will terminate upon request of the operator, upon inspection by the ~~director~~ Department, and a determination that all reclamation activity has been completed to the standards specified in the plan, and following final approval by the ~~director~~ Department. Upon termination, the ~~director~~ Department will release the remaining financial assurance, notify the operator, and any authority to conduct any mining operations under the subject plan ~~shall~~ will terminate. (3-18-22)()

02. Terminate a Permanent Closure Plan. The ~~director shall~~ Department will terminate a permanent closure plan upon request of the operator, provided all the provisions and objectives of the permanent closure plan have been met, as determined by the ~~director~~ Department under Sections 111 and 112 of these rules. Upon a determination that permanent closure has been completed in accordance with the approved permanent closure plan and upon consultation with the DEQ that the operator's request to terminate a plan should be approved, the ~~director~~ Department will notify the operator that any authority to continue cyanidation operations ~~shall~~ will cease and ~~he it~~ will release the balance of the financial assurance in accordance with Subsection 120.20. (3-18-22)()

151. -- 154. (RESERVED)

155. FIVE (5) YEAR UPDATES AND PERIODIC INSPECTIONS.

01. Five (5) Year Updates. The Department may require operators to submit an update on their mining operation at least every five (5) years. The update will be on a Department form, and will be used to assist the Department in determining whether or not adjustments are needed for financial assurance or if a plan amendment is required due to a material change. Failure by an operator to complete the form and return it to the Department, or an operator providing false statements on the form, may result in the penalties in Section 47-1513(g), Idaho Code. A mine plan update provided to the federal government for mines subject to financial assurance requirements may be considered to meet the requirement. (3-18-22)()

02. Right of Inspection. Authorized representatives of the Department have the right to enter upon lands affected or proposed to be affected by exploration, mining operations, or cyanidation facilities to determine compliance with the reclamation or permanent closure plans and these rules. Inspections will be conducted at reasonable times in the presence of the operator or his authorized representative. The operator ~~shall~~ will make such a person available for the purpose of inspection. This rule does not prevent the Department from making an inspection of the site if the operator fails to make a representative available on request. (3-18-22)()

03. Frequency of Inspection. (3-18-22)

a. Mining operations with an approved reclamation plan will be inspected ~~at least once every five (5) years~~ periodically based on priority and resource availability to determine compliance with the approved plan and adequacy of the financial assurance. Timing of inspections is governed by Section 45-1508(e), Idaho Code. Inspections may need to be more frequent for mines permitted under Sections 070 and 071 of these rules due to the large size, rapid pace of mining, complexity of an operation, or high financial assurance. (3-18-22)()

b. Cyanidation facilities with an approved permanent closure plan will be inspected as often as is needed, but at least once a year. (3-18-22)

156. -- 159. (RESERVED)

160. ENFORCEMENT AND FAILURE TO COMPLY.

01. Financial Assurance Forfeiture. Upon request by the ~~director~~ Department, ~~the attorney general may institute~~ proceedings may be instituted to have the financial assurance for reclamation or permanent closure forfeited for violation of an order entered pursuant to Section 47-1513, Idaho Code, and these rules. (3-18-22)()

02. Civil Penalty. An operator with no financial assurance, or an operator who violates these rules by performing an act which is not included in an approved reclamation plan or an approved permanent closure plan that is not subsequently approved by the Department, will be subject to a civil penalty as authorized by Section 47-1513(c), Idaho Code. (3-18-22)

03. Injunctive Procedures. The ~~director~~ Department may seek injunctive relief and proceed with legal action, if necessary, to enjoin a mine operator or cyanidation facility operator who violates the provisions of the ~~chapter Act~~, these rules, or the terms of an existing approved reclamation or permanent closure plan. Any such action will follow the procedures established in Section 47-1513, Idaho Code. (3-18-22)()

04. Appeal of Final Order. An operator dissatisfied with a final order of the Board may, within sixty (60) days after receiving the order, file an appeal in accordance with Section 47-1514, Idaho Code. (3-18-22)

161. -- 169. (RESERVED)

170. COMPUTATION OF TIME.

Computation of time will be based on calendar days. In computing any period of time prescribed by the ~~chapter Act~~, the day on which the designated period of time begins is excluded. The last day of the period is included unless it is a Saturday, Sunday or legal holiday when the Department is not open for business. In such a case, the ~~time~~ period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. Intermediate Saturdays, Sundays, or legal holidays are excluded from the computation when the period of prescribed time is seven (7) days or less. (3-18-22)()

171. -- 179. (RESERVED)

180. PUBLIC AND CONFIDENTIAL INFORMATION.

01. Information Subject to Disclosure. Information obtained by the Department pursuant to the ~~chapter Act~~ and these rules is subject to disclosure under Title 74, Chapter 1, Idaho Code ("Public Records Act"). (3-18-22)()

02. Use by Board. Any plans, documents, or materials submitted as confidential and held as such ~~shall~~ will not prohibit the Board, ~~d~~Director, or Department from using the information in an administrative hearing or judicial proceeding initiated pursuant to Section 47-1514, Idaho Code. (3-18-22)()

03. Plans and BMPs. An operator will not unreasonably designate as confidential portions of reclamation or permanent closure plans which detail proposed BMPs to meet state surface and ground water quality standards. Confidential portions of reclamation or permanent closure plans may be shared with DEQ in its coordinating role under these rules, as reasonably necessary. (3-18-22)

181. -- 189. (RESERVED)

~~190. DEPOSIT OF FORFEITURES AND DAMAGES.~~

~~All fees, penalties, forfeitures, and civil damages collected pursuant to the chapter, will be deposited with the state treasurer in the following accounts as appropriate: (3-18-22)~~

~~**01. Mine Reclamation Fund.** The mine reclamation fund to be used by the director for mined land reclamation purposes and to administer the reclamation provisions of the chapter and these rules. (3-18-22)~~

~~**02. Cyanidation Facility Closure Fund.** The cyanidation facility closure fund to be used by the director to complete permanent closure activities and to administer the permanent closure provisions of the chapter and these rules. (3-18-22)~~

~~191. -- 199. (RESERVED)~~

200. COMPLIANCE OF EXISTING RECLAMATION PLANS.

~~01. Plans Approved Prior to 2019.~~ Reclamation plans approved prior to July 1, 2019, or reclamation plans that have permanently ceased operations prior to July 1, 2019, are not subject to the 2019 legislative amendments to the ~~chapter~~ Act regarding financial assurance and post-closure. New reclamation plans or plan amendments received after July 1, 2019, will be subject to the 2019 legislative amendments to the ~~chapter~~ Act.
(3-18-22)()

~~02. Plans Submitted in 2019.~~ Reclamation plan applications submitted prior to July 1, 2019, but not yet approved, have until July 1, 2020 to submit post closure plans and financial assurances as described in the 2019 legislative amendments to the chapter.
(3-18-22)

201. -- 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.02.01 – RULES OF THE STATE ATHLETIC COMMISSION

DOCKET NO. 24-0201-2501 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 54-406\(1\)](#), 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 15, 2025.

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 increase participation in the Commission's events, the Commission is seeking to decrease licensing fees for professional, amateur, and non-combatants. Changes under consideration are to decrease amateur fees from \$100 to \$50, professional fees from \$150 to \$100, and non-combatants from \$150 to \$50 annually. This docket also creates a fee for Amateur Athletic Sanctioning Organizations and updates the rules chapter.

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

The proposed rule would decrease fees for several forms of licensees and creates a fee for Amateur Athletic Sanctioning Organizations.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2025 Idaho Administrative Bulletin, [Vol. 25-8, Pages 163-164](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Reference updated.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 12th day of September, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714
Phone: (208) 577-2519
Email: kolby.reddish@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0201-2501
(Only Those Sections With Amendments Are Shown.)

24.02.01 – RULES OF THE STATE ATHLETIC COMMISSION

000. LEGAL AUTHORITY.

~~These rules are promulgated pursuant to Title 54, Chapter 4, Idaho Code.~~

~~(7-1-25)()~~

(BREAK IN CONTINUITY OF SECTIONS)

002. INCORPORATION BY REFERENCE.

Pursuant to Section ~~67-5229~~, Idaho Code, this chapter incorporates by reference the following documents ~~available on the Commission's website:~~

~~(7-1-25)()~~

01. Association of Boxing Commissions and Combative Sports Unified Rules of Boxing Amended 2016. This document can be accessed online here: <https://www.abcbboxing.com/unified-rules-boxing/>. (7-1-25)

02. Association of Boxing Commissions and Combative Sports Unified Rules of Mixed Martial Arts. This document can be accessed online here: <https://www.abcbboxing.com/wp-content/uploads/2022/08/unified-rules-mma-july-2022.pdf>. (7-1-25)

03. Athlete Guide to the ~~2024~~2025 Prohibited List. Published by the World Anti-Doping Agency (WADA). ~~Copyright date 2024, effective on January 1, 2025.~~ This document can be accessed online at: ~~https://www.wada-ama.org/sites/default/files/2023-09/2024list_en_final_22_september_2023.pdf~~ https://www.wada-ama.org/sites/default/files/2024-09/2025list_en_final_clean_12_september_2024.pdf. (7-1-25)()

(BREAK IN CONTINUITY OF SECTIONS)

101. COMBATANT.

01. Age of Combatant. The Commission will review all complete applications for a combatant license so that the applicant's experience and fitness may be considered before a license is issued, if the applicant has: (7-1-25)

a. Not reached eighteen (18) years of age; or (7-1-25)

b. Reached thirty-six (36) years of age. (7-1-25)

c. Poor Vision. The Commission will not issue a license to engage in unarmed combat to any applicant who is found to be blind in one (1) eye or whose vision in one (1) eye is so poor that a physician recommends that no license be granted. No exceptions will be made. (7-1-25)

d. Cerebral Hemorrhage. Any person who has suffered a cerebral hemorrhage will not be issued a license. (7-1-25)

e. Serious Head Injuries. The Commission will review the application of any person who has suffered a serious head injury before a license is issued to that person. (7-1-25)

02. Additional Examination. Any licensed combatant who participates in an unsanctioned event, as determined by the Commission, will need to submit to a new physical or produce proof of medical clearance acceptable to the Commission. (7-1-25)

03. Blood Testing. The Commission will not issue a license to or allow an athlete to compete in an event, if the athlete, within the six (6) months immediately preceding the application for licensure or the event at which the licensee wishes to compete, has tested positive for the HIV virus, Hepatitis B Surface Antigen and Hepatitis C Antibody, or illegal drugs or other substances. Upon application for a license, the athlete will submit with the application a blood test report from a blood test conducted within the six (6) months preceding the application date. The blood test must have tested the athlete for HIV virus, Hepatitis B Surface Antigen, Hepatitis C Antibody, and illegal drugs and substances. Additionally, each combatant who is to compete in an event will, at the start of the event, provide the Commission with a blood test report from a blood test conducted within the six (6) months immediately preceding the event. The Commission may, in its discretion, request addition blood tests. (7-1-25)

04. Drug Abuse. The Commission will not issue a license to an athlete who has a recent history of drug abuse, without proof of participation in a recognized drug rehabilitation program and/or submission to urinalysis. (7-1-25)

05. Blood Testing and ~~Five Panel~~ Drug Test Results. Results must show blood concentrate percentages. (7-1-25)()

(BREAK IN CONTINUITY OF SECTIONS)

117. FEES.

The following annual fees may be aggregated for biennial licensure.

FEE TYPE	AMOUNT <u>(NOT TO EXCEED)</u>	RENEWAL <u>(NOT TO EXCEED)</u>
Professional Combatant	~~\$150.00~~ <u>100.00</u>	~~\$150.00~~ <u>100.00</u>
Amateur Combatant	~~\$400.00~~ <u>50.00</u>	~~\$400.00~~ <u>50.00</u>
Non-combatant	~~\$150.00~~ <u>50.00</u>	~~\$150.00~~ <u>50.00</u>
Matchmaker	\$250.00	\$250.00
Promoter	\$1,000.00	\$750.00
Sanction permit	\$200.00	\$200.00
Ring official	\$150.00	\$150.00
<u>Amateur Athletic Sanctioning Organization</u>	<u>\$750.00</u>	<u>\$750.00</u>

(7-1-25)()

(BREAK IN CONTINUITY OF SECTIONS)

302. – 399~~8~~. (RESERVED)

399. ADMISSION FEE AT QUARTERS WHERE COMBATANT TRAINS.

01. Fee. An admission fee may not be charged to enter the quarters where a combatant is training

unless the Commission has authorized the charging of admission. Where such an admission fee is charged, the Commission will consider the charge to be for the privilege of seeing an exhibition. ()

02. State Fee. The state fee on those gross receipts, exclusive of any federal taxes paid thereon, must be sent to the Commission with the report. ()

(BREAK IN CONTINUITY OF SECTIONS)

504. EQUIPMENT OF THE CHIEF SECOND.

01. Equipment. The chief second ~~will~~ may be equipped with: (7-1-25)()

a. A clear plastic water bottle; (7-1-25)

b. A bucket containing ice; (7-1-25)

c. A solution of a kind approved by the Commission for stopping hemorrhaging; (7-1-25)

d. Adhesive tape; (7-1-25)

e. Gauze; (7-1-25)

f. Scissors; and (7-1-25)

g. One (1) extra mouthpiece. (7-1-25)

02. Ammonia. No ammonia may be used in the ring. (7-1-25)

03. Inspection. The ring physician or the Commission may at any time inspect the contents of the chief second's first-aid kit. (7-1-25)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

DOCKET NO. 24-0501-2501 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 54-2406\(1\)](#), 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 15, 2025.

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:

These proposed rules changes would: (1) update the calculation of continuing education and limit the number of managerial units required, (2) reduce regulatory burdens by eliminating the responsible charge requirements and decrease system classifications, (3) clarify completions for apprenticeship programs, (4) streamline the process for acquiring a higher level of license, and (5) address the Board's cash balances by increasing fees.

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

Fees are authorized by [Sections 54-2406\(1\)](#) and [54-2407\(1\)](#), Idaho Code. Fee increase required to comply with [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state general fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2025 Idaho Administrative Bulletin, [Vol. 25-8, Pages 165-166](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 13th day of August, 2025.

Kolby K. Reddish
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THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0501-2501
(Only Those Sections With Amendments Are Shown.)

24.05.01 – RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

002. DEFINITIONS.

01. Very Small Public Drinking Water System. A community or non-transient non-community public water system that serves five hundred (500) persons or ~~less~~ **fewer** and has no treatment other than disinfection or has only treatment which does not require any chemical treatment, process adjustment, backwashing or media regeneration by an operator (e.g. calcium carbonate filters, granular activated carbon filters, cartridge filters, ion exchangers). (7-1-24)()

02. Very Small Wastewater System. A public wastewater system that serves five hundred (500) connections or less and includes a collection system with a system size of six (6) points or ~~less~~ **fewer** on the Idaho Department of Environmental Quality (DEQ) system classification rating form and is limited to only one (1) of the following wastewater treatment processes: aerated lagoons; non-aerated lagoon(s); primary treatment; or primary treatment discharging to a large soil absorption system (LSAS). (7-1-24)()

03. System Classifications. All other system classifications used here are in accordance with DEQ classifications. ()

003. -- 099. (RESERVED)

100. LICENSURE.

01. Classifications.

License Type	Classification
Drinking Water Distribution Operator Drinking Water Treatment Operator	Operator In Training, Very Small System, Class I Restricted, Class I, II, III, or IV
Wastewater Treatment Operator Wastewater Collections Operator	Operator In Training, Very Small System, Class I Restricted, Class I, II, III, IV, or Land Application
Wastewater Laboratory Analyst	Class I, II, III, or IV
Backflow Assembly Tester	

License Discipline	License Type	Classification
Drinking Water	Drinking Water Distribution Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, or IV
	Drinking Water Treatment Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, or IV

License Discipline	License Type	Classification
Wastewater	Wastewater Treatment Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, IV, or Land Application
	Wastewater Collections Operator	Operator-In-Training, Very Small System, Class I Restricted, Class I, II, III, or IV
Backflow Assembly Tester	Wastewater Laboratory Analyst	Class I, II, III, or IV
	Backflow Assembly Tester	BAT

(7-1-24)()

02. Examination Requirement. ~~Applicants must pass a written examination for each license type and classification.~~ Applicants may apply and test for the classification level for which they have the requisite experience and education. Examination scores are valid for one (1) year from the examination date. (7-1-24)()

03. Education and Experience Requirements. Applicants must present proof of the following: (7-1-24)

a. Operator-In-Training. Passage of the board-approved examination or enrollment in a board-approved apprenticeship program. The Operator-In-Training license is valid for five (5) years. (7-1-24)

b. Very Small Water. Eighty-eight (88) hours of relevant on-site operating experience ~~at a water system~~ and twelve (12) hours of chlorination and water distribution course(s). (7-1-24)()

c. Very Small Wastewater. Eighty-eight (88) hours of relevant on-site operating experience ~~at a wastewater collection or treatment system~~; six (6) hours of pumps and motors or collection course(s); and six (6) hours of lagoon operation and maintenance, large soil absorption system, or wastewater treatment course(s). (7-1-24)()

d. Class I Restricted. Two hundred sixty (260) hours of relevant on-site operating experience ~~at a Class I or higher system~~ during twelve (12) consecutive months with ~~the a~~ system and sixteen (16) hours of continuing education relevant to the license. A restricted license is limited to a specific system. (7-1-24)()

e. ~~Class I Operator. One thousand six hundred (1,600) hours of on-site operating experience at a Class I or higher system, or 3200 hours of experience at a Very Small Wastewater System, or successful completion of one (1) year of an approved apprenticeship program.~~ Class I Operator. One thousand six hundred (1,600) hours of relevant on-site operating experience, or successful completion of a board approved Class I apprenticeship program. (7-1-24)()

f. ~~Class II Operator. Four thousand eight hundred (4,800) hours of on-site operating experience at a Class I or higher system or successful completion of an approved apprenticeship program.~~ Class II Operator. Four thousand eight hundred (4,800) hours of relevant on-site operating experience or successful completion of a board approved Class II apprenticeship program. (7-1-24)()

g. ~~Class III Operator. Two (2) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program and six thousand four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class II or higher system.~~ Class III Operator. Two (2) years of postsecondary education in environmental control, engineering or related science or successful completion of a board approved Class III apprenticeship program; and six thousand four hundred (6,400) hours of relevant on-site operating experience. (7-1-24)()

h. ~~Class IV Operator. Four (4) years of postsecondary education in environmental control, engineering or related science or successful completion of an approved apprenticeship program; and six thousand~~

~~four hundred (6,400) hours of on-site operating experience, including three thousand two hundred (3,200) hours of responsible charge of a major segment of the system, at a Class III or higher system.~~ Class IV Operator. Four (4) years of postsecondary education in environmental control, engineering or related science or successful completion of a board approved Class IV apprenticeship program; and six thousand four hundred (6,400) hours of relevant on-site operating experience. (7-1-24)()

i. Wastewater Land Application. ~~A wastewater Class I or higher operation license and eight hundred (800) hours of on-site operating experience at a wastewater land application system. A wastewater land application operator who is in responsible charge must be licensed at a class equal to or greater than the wastewater system classification. The wastewater treatment license must be maintained to renew the wastewater land application.~~ Operator must hold and maintain an active Wastewater Treatment Operator license. (7-1-24)()

j. Backflow Assembly Tester. Successful completion of a ~~B~~board-approved training program and passage of a practical examination using the University of Southern California (USC) testing procedures currently adopted by the board. (7-1-24)()

k. Class I Wastewater Laboratory Analyst. One thousand six hundred (1,600) hours of lab experience ~~at a Class I or higher system.~~ (7-1-24)()

l. Class II Wastewater Laboratory Analyst. Four thousand eight hundred (4,800) hours of lab experience ~~at a Class I or higher system.~~ (7-1-24)()

m. Class III Wastewater Laboratory Analyst. Two (2) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience ~~at a Class II or higher system.~~ (7-1-24)()

n. Class IV Wastewater Laboratory Analyst. Four (4) years of postsecondary education in environmental control, engineering or related science and six thousand four hundred (6,400) hours of lab experience ~~at a Class III or higher system.~~ (7-1-24)()

04. Substitutions. An applicant may substitute education and experience requirements as follows: (7-1-24)

a. Completion of an apprenticeship program will be accepted in lieu of education or experience requirements as identified in Rule 100.03 if the program provides experience and education related to the operation of Class I-IV systems; is registered with the U.S. Department of Labor, Office of Apprenticeship; meets the Standards of Apprenticeship developed by the U.S. Department of Labor; and fulfills the requirements in Rules 100.03. (7-1-24)

b. Education for Experience. For Classes I, II, III and IV, postsecondary education in environmental control, engineering or related science can be substituted for up to fifty percent (50%) of the required experience, at a rate of thirty (30) college ~~semester~~ credits or ~~forty-five~~ four hundred and fifty (450) hours equivalent to 45 CEUs of germane continuing education for one thousand six hundred (1,600) hours of experience. Education substituted for experience must be in addition to the minimum education requirement. For non-environmental, engineering, or science related degrees only courses germane to these disciplines will be eligible for substitution as determined by the board. (7-1-24)()

c. Experience for Education. One thousand six hundred (1,600) hours of on-site operating experience may be substituted for one (1) year of high school ~~or post secondary education.~~ For Class III and IV, responsible charge experience may be substituted for postsecondary education at a rate of one thousand six hundred (1,600) hours of experience for one (1) year postsecondary education. Experience substituted for education must be in addition to the minimum experience requirement. (7-1-24)()

d. Experience for Experience. Fifty percent (50%) of the required operating experience must be met by relevant, onsite operating experience in the license type being applied for. The following experience may be used to substitute up to fifty percent (50%) of the required operating experience: (7-1-24)()

i. Environmental or operations consultants, or environmental or engineering branch of federal, state,

county, or local government; ()

ii. Construction of a distribution, collections, or water or wastewater treatment system if such experience is documented in a declaration from a system owner or licensed operator, or; ()

iii. Drinking Water Distribution, Drinking Water Treatment, Wastewater Treatment or Wastewater Collections. ()

iE. Laboratory Analyst Experience for Experience. Experience as a laboratory analyst may count towards ~~one-half (1/2)~~ fifty percent (50%) of the required wastewater operating experience and experience as a wastewater operator may count towards ~~one-half (1/2)~~ fifty percent (50%) of the required laboratory analyst experience. (7-1-24)()

~~ii. The following experience may be substituted for one-half (1/2) of the operating experience requirement for Class I, II, III and IV: environmental or operations consultant; environmental or engineering branch of federal, state, county, or local government; wastewater collection system operator; wastewater treatment plant operator; water distribution system operator or manager; and/or waste treatment operation or maintenance. (7-1-24)~~

~~iii. The following experience may be substituted for one-half (1/2) of the operating experience requirement for Class I and II: construction of a water or wastewater distribution or collections system if such experience is documented in a declaration from a system owner or licensed operator. (7-1-24)~~

05. Board approved Backflow or Operator Examination Providers Monitored and Audited. The board or its representative may monitor and audit any board approved examination provider. ()

056. Continuing Education. To renew, a licensee must complete, ~~during the prior licensing period,~~ and retain proof of completion of six (6) classroom hours (0.6 CEUs) for each year of the licensing period of continuing education germane to the license ~~type discipline,~~ except that backflow assembly testers must complete an eight (8) hour refresher course every two (2) years. ~~A licensee holding both drinking water and wastewater licenses must complete six (6) classroom hours for each license type.~~ A remote or distant study course is acceptable if it is germane to the license type, except that backflow assembly testers must complete in-person and board-approved continuing education. (7-1-24)()

a. A licensee may carry forward up to six (6) classroom hours of unused continuing education (0.6 CEUs) per licensure discipline for up to one (1) renewal cycle. ()

b. A licensee who is an instructor for a water or wastewater continuing education course may be credited the same number of classroom hours as the students of the germane course for one (1) presentation of the training per year of the licensing period. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Operator-in-Training. Operators-in-training must practice under the direct supervision of an appropriately licensed operator ~~of a type, category, and classification higher than the operator-in-training. No operator in training can accept or perform the designated responsible charge duties at any system. (7-1-24)()~~

~~02. Grandparent License.~~ The licensee may operate in responsible charge of the specific facility identified in the original application. The license is site specific, non transferable, and does not grant authority for the holder to practice as an operator at any other system. ~~The license becomes invalid when the classification of the system changes to a higher classification. (7-1-24)~~

032. Operators and Backflow Assembly Testers Code of Conduct. Operators and backflow assembly testers must: (7-1-24)

a. Perform duties with due care and diligence to protect the safety, health, and welfare of the public.

(7-1-24)

- b. Comply with all applicable local, state, and federal laws relating to their respective profession(s). (7-1-24)
- c. Perform only those duties within their education, training, and experience and scope of licensure. (7-1-24)
- d. Prepare reports which are accurate, objective, and include all relevant information. (7-1-24)
- e. Use standard test procedures, operating procedures, methods, and equipment when conducting inspections, sampling, and field tests with calibrated equipment. (7-1-24)
- f. Backflow assembly testers will observe or inspect existing installations of backflow prevention assemblies to identify whether the assembly is properly installed the assembly is adequate for the degree of hazard. (7-1-24)
- g. When a backflow prevention assembly passes a field test, the report will be submitted to the consumer and relevant public water system within fifteen (15) business days of the field test. When a backflow prevention assembly is defective or fails to pass the field test, the report will be submitted to the consumer and relevant public water system within two (2) business days of the field test. (7-1-24)

h. Testers must provide documentation of failed or non-compliant assemblies to the water system owner, and assembly owner. ()

201. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable. Annual fees may be aggregated for biennial licensure.

TYPE	AMOUNT APPLICATION (Not to Exceed)	ANNUAL RENEWAL
Application	\$25	N/A
Backflow	\$100	\$100
QIT	\$55	\$55
Very Small System	\$75	\$75
Class I & Restricted Class I	\$80	\$80
Class II	\$90	\$90
Class III	\$100	\$100
Class IV	\$100	\$100
Endorsement	\$100	N/A
License or Certificate	\$30 annually 75	N/A
Reinstatement Fee	\$35	N/A

(7-1-24)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.06.01 – RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

DOCKET NO. 24-0601-2501 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-3712](#), 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 15, 2025.

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:

An amendment to Rule 400 regarding a potential increase in fees to address the Occupational Therapy Licensure Board's cash balances.

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

The increase proposed is one hundred (100) percent of the current fees. However, with the increase Idaho's licensing fees will remain at or below those in comparable states. Fee authorized by [Section 54-3712](#), Idaho Code. This increase is necessary to comply with the cash balance expectations of [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Vol. 25-5, Pages 54-55](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 13th day of August, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714
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Email: kolby.reddish@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0601-2501
(Only Those Sections With Amendments Are Shown.)

24.06.01 – RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS

400. FEES.

All fees are non-refundable. Annual fees may be aggregated for biennial licensure.

FEE TYPE	AMOUNT (Not to Exceed)	~~ANNUAL~~ RENEWAL FEE (Not to Exceed)
Initial Licensure for Occupational Therapists	~~\$80~~ <u>160</u>	~~\$40~~ <u>80</u>
Initial Licensure for Occupational Therapy Assistants	~~\$60~~ <u>120</u>	~~\$30~~ <u>70</u>
Limited Permit or Temporary License	~~\$25~~ <u>50</u>	
Reinstatement Fee	~~As provided in Section 67-2614, Idaho Code.~~ <u>\$70</u>	

(7-1-24)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.09.01 – RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

DOCKET NO. 24-0901-2501 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 54-1605\(2\)](#) and [54-1605\(4\)](#), 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 15, 2025.

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 chapter is proposed to be repealed and replaced with Docket No. 24-4101-2501. [2025 HB 28](#) merged two Boards within DOPL to create the newly established Board of Long-Term Care Administrators. This rulemaking will merge the substance of the predecessor Board rules, approved by the Legislature in 2025, into a new chapter of rules for the merged Board. As such, the chapters of 24.09.01 and 24.19.01 are consolidated into what is proposed to be entitled IDAPA 24.41.01 – Rules of the Long-Term Care Administrators Board.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(2\)](#), Idaho Code, separate negotiated rulemaking was not conducted because negotiated rulemaking was held for Docket No. 24-4101-2501 regarding the creation of the new merged rules chapter.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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 22, 2025.

DATED this 28th day of August, 2025.

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IDAPA 24.09.01 IS PROPOSED TO BE REPEALED IN ITS ENTIRETY.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

DOCKET NO. 24-1301-2501 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-2207](#), 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 15, 2025.

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:

An amendment to Rule 400 regarding a potential increase in fees to address the Physical Therapy Licensure Board's cash balances.

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

The increase proposed is fifty (50) percent of the current fees. However, with the increase Idaho's licensing fees will remain at or below those in comparable states. Fee authorized by [Section 54-2207](#), Idaho Code. This increase is necessary to comply with the cash balance expectations of [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Vol. 25-5, Pages 56-57](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 13th day of August, 2025.

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THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1301-2501
(Only Those Sections With Amendments Are Shown.)

24.13.01 – RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

400. FEES.

All fees are non-refundable. The examination or reexamination fee are in addition to the application fee and must accompany the application. Annual fees may be aggregated for biennial licensure.

FEE TYPE	AMOUNT (<u>NOT TO EXCEED</u>)	<u>ANNUAL RENEWAL FEE</u> (<u>NOT TO EXCEED</u>)
Physical Therapist License	~~\$25~~ <u>40</u>	~~\$25~~ <u>40</u>
Physical Therapist Assistant License	~~\$20~~ <u>30</u>	~~\$20~~ <u>30</u>
Examination	Established by examination entity plus an administrative fee not to exceed ~~\$20~~ <u>25</u>	
Application	~~\$25~~ <u>40</u>	
<u>Reinstatement</u>	<u>\$50</u>	

(7-1-24)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.17.01 – RULES OF THE STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-2501 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-4705\(1\)\(c\)](#), 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 15, 2025.

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:

An amendment to Rule 400 regarding a potential increase in fees to address the Board of Acupuncture's cash balances, as well as clarifications to certification, supervision, and discipline provisions.

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

The increase proposed is one hundred (100) percent to one hundred fifty (150) percent of the current fees for licensure and slightly more for renewals. However, with the increase Idaho's fees will remain competitive or lower than those in comparable states. Fee authorized by [Section 54-4710\(2\)](#), Idaho Code. This increase is necessary to comply with the cash balance expectations of [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Vol. 25-5, Pages 58-59](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 13th day of August, 2025.

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THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1701-2501
(Only Those Sections With Amendments Are Shown.)

24.17.01 – RULES OF THE STATE BOARD OF ACUPUNCTURE

000. LEGAL AUTHORITY.

~~These rules are promulgated pursuant to Section 54-4705, Idaho Code.~~

~~(3-28-23)()~~

(BREAK IN CONTINUITY OF SECTIONS)

100. QUALIFICATIONS FOR LICENSURE OR CERTIFICATION.

01. Requirements for Licensure. Applicants for licensure must submit a complete application on a Board approved form, required fee, and official certified documentation of ~~either~~: ~~(3-28-23)()~~

a. Certification from NCCAOM or graduation from an approved full-time acupuncture program of at least one thousand seven hundred twenty-five (1,725) hours of entry-level acupuncture education which includes a minimum of one thousand (1000) hours of didactic course work and five hundred (500) clinical hours of practice; and (3-28-23)

b. Successful completion of an acupuncture internship, or other equivalent experience as approved by the Board. (3-28-23)

~~**02. Requirements for Certification.** As prescribed in Idaho Code § 54-4707.~~

~~(3-28-23)~~

(BREAK IN CONTINUITY OF SECTIONS)

105. CONTINUING EDUCATION REQUIREMENTS.

The content of a continuing education course must be germane to the practice of acupuncture as defined in [Section 54-4702, Idaho Code](#). All practitioners are required to complete a minimum of thirty (30) hours of board approved continuing education within the preceding twenty-four (24) months. (3-28-23)

01. Credit for Teaching or Supervision. Licensees may earn up to ten (10) hours of continuing education credit by teaching Board-approved courses or ~~supervision of~~ [supervising](#) trainees. ~~(3-28-23)()~~

02. Board Approval. Approved continuing education courses are those courses, programs, and activities that are approved or provided by NCCAOM, accredited acupuncture and oriental medicine schools, or other courses that may be approved by the board. Other courses may be approved based upon documentation submitted by the licensee or course provider. All requests for approval or pre-approval of educational programs are made in writing and include the name of the instructor or instructors, the course agenda, and the number of credit hours requested. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

201. SUPERVISION PLAN.

A licensed or certified acupuncturist providing supervision to trainees shall be responsible for the services provided by such individuals. Failure to adequately supervise such an individual may subject the supervisor to discipline.

(3-28-23)

01. Supervision. For the first one hundred (100) hours of practice, the supervisor must provide supervision in the treatment room when the trainee is providing treatment. The supervisor will meet with the trainee in person at least monthly to review case studies and demonstrate acupuncture point location and needle placement technique. Before providing treatment without in-person supervision, the trainee must successfully complete a Blood Borne Pathogen course and comprehensive examination that incorporates clean needle techniques and Occupational Safety and Health Administration (OSHA) procedures and requirements. (3-28-23)()

02. Documentation. Supervision document~~ation~~ will include: charting, diagnosis, and treatment plans, ~~and will include~~ the completion of twenty-five (25) case studies, and verification ~~and documentation~~ of the hours of supervision and case studies. The supervisor and trainee will maintain records of supervision, including summary of case studies in progress or completed by the trainee under supervision, treatment plan for each patient, and the dates of supervision. (3-28-23)()

~~**03. Termination of Supervision or Change in Supervisor.** A supervisor may terminate supervision at any time by submitting written notice of termination to the Board. (3-28-23)~~

202. – 299. (RESERVED)

300. DISCIPLINE.

01. Civil Fine. The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensee for each violation of Section 54-4711, Idaho Code. (3-28-23)

~~**02. Costs and Fees.** The Board may order a licensee to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-4711, Idaho Code. (3-28-23)~~

~~**03.**~~ **Advertising.** A practitioner who disseminates or causes the dissemination of any advertisement or performs advertising including offers, statements, or other representations, which is in any way fraudulent, false, deceptive, or misleading, may be subject to discipline by the Board. (3-28-23)

043. Unlicensed or Unsupervised Practice. Knowingly aided or abetted any person to practice acupuncture who is not authorized to practice acupuncture as provided in this chapter or failed to adequately supervise a trainee or auxiliary staff who have contact with patients which creates or results in an unreasonable risk of harm to the patient. (3-28-23)

301. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable: Annual fees may be aggregated for biennial licensure.

License/Certification/Permit/Certification	Initial Fee (Not to Exceed)	Annual Renewal Fee (Not to Exceed)
Application	\$50	n/a
License	~~\$150~~ <u>300</u>	~~\$75~~ <u>200</u>
Certification	~~\$150~~ <u>300</u>	~~\$75~~ <u>200</u>
Acupuncture Trainee	\$150	~~\$50~~ <u>100</u>
Inactive License or Certification	n/a	\$50
Reinstatement	\$250	n/a

(3-28-23)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.19.01 – RULES OF THE BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS

DOCKET NO. 24-1901-2501 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 54-1605\(2\)](#) and (4), 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 15, 2025.

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 chapter is proposed to be repealed and replaced with Docket No. 24-4101-2501. [2025 HB 28](#) merged two Boards within DOPL to create the newly established Board of Long-Term Care Administrators. This rulemaking will merge the substance of the predecessor Board rules, approved by the Legislature in 2025, into a new chapter of rules for the merged Board. As such, the chapters of 24.09.01 and 24.19.01 are consolidated into what is proposed to be entitled IDAPA 24.41.01 – Rules of the Long-Term Care Administrators Board.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(2\)](#), Idaho Code, separate negotiated rulemaking was not conducted because negotiated rulemaking was held for Docket No. 24-4101-2501 regarding the creation of the new merged rules chapter.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATE this 28th day of August, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2519
Email: kolby.reddish@dopl.idaho.gov

IDAPA 24.19.01 IS PROPOSED TO BE REPEALED IN ITS ENTIRETY.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.21.01 – RULES OF THE IDAHO STATE CONTRACTORS BOARD

DOCKET NO. 24-2101-2501 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-5206\(1\)](#), 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 15, 2025.

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:

An amendment to Rule 400 regarding a potential increase in fees to ensure the sustainability of the State Contractors Board.

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

The increase in fees is between ten (10) and twenty (20) percent of the current fee. Fee authorized by [Section 54-5207\(1\)](#), Idaho Code. This is to comply with the cash balance requirements of [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Vol. 25-5, Pages 60–61](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 13th day of August, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714
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Email: kolby.reddish@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-2101-2501
(Only Those Sections With Amendments Are Shown.)

24.21.01 – RULES OF THE IDAHO STATE CONTRACTORS BOARD

400. FEES.

Annual fees may be aggregated for biennial licensure.

FEE TYPE	AMOUNT (Not to Exceed)
Application (includes original registration)	~~\$50~~ <u>60</u>
Reciprocal	~~\$50~~ <u>60</u>
Renewal	~~\$50~~ <u>60</u>
Reinstatement	~~\$35~~ <u>40</u>
Inactive	\$0
Inactive to Active License	The difference between the inactive fee and active license renewal fee

~~(7-1-25)~~()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.22.01 – RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

DOCKET NO. 24-2201-2501 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-5310\(11\)](#), 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 15, 2025.

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:

An amendment to Rule 400 regarding a potential increase in fees to address the Liquefied Petroleum Gas Safety Board's cash balances.

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

The increase in fees is between fifteen and twenty percent. Fees authorized by [Section 54-5313\(3\)](#), Idaho Code.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Vol. 25-5, Pages 62-63](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 13th day of August, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. 4
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THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-2201-2501
(Only Those Sections With Amendments Are Shown.)

24.22.01 – RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

400. FEES.

All fees are non-refundable:

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL (Not to Exceed)
Application	~~\$30~~ <u>\$35</u>	
Individual License	~~\$75~~ <u>\$90</u>	~~\$75~~ <u>\$90</u>
Endorsement	~~\$75~~ <u>\$90</u>	
Dealer-in-training	\$50	
Facility License	~~\$400~~ <u>\$115</u>	~~\$400~~ <u>\$115</u>
Bulk Storage Facility	~~\$400~~ <u>\$460</u>	~~\$400~~ <u>\$460</u>
Facility Reinspection	~~\$125~~ <u>\$150</u>	

(~~3-28-23~~)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.23.01 – RULES OF THE SPEECH, HEARING, AND COMMUNICATION SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-2501 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant [Section 54-2910\(3\)](#), Idaho Code and [Section 54-2916B\(1\)](#), 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 15, 2025.

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 rule adds a license type for Sign Language Video Interpreting, and accompanying fee, as required by [Section 54-2916B](#), Idaho Code. Additionally, the Board seeks to add an equivalency option for required exams for Hearing Instrument Specialist Licensure.

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

The Board selected the fee amount (\$150 per five interpreters) to allow the Board to keep the expected cash balance while continuing to deliver the necessary services.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2025 Idaho Administrative Bulletin, [Vol. 25-8, Pages 167-168](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 13th day of August, 2025.

Kolby K. Reddish
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THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-2301-2501
(Only Those Sections With Amendments Are Shown.)

24.23.01 – RULES OF THE SPEECH, HEARING, AND COMMUNICATION
SERVICES LICENSURE BOARD

100. LICENSURE.

- 01. Audiologist Licensure.** (3-28-23)
- a.** Approved Examination. Pass the audiology examination given by PRAXIS. (3-28-23)
- b.** Approved Experience. Successfully complete a supervised academic clinical practicum as part of a doctoral program that satisfies Section 54-2912(b), Idaho Code, or supervised postgraduate experience that is substantially equivalent to such a practicum. An applicant who has insufficient supervised experience as part of the doctoral program may obtain the necessary experience under a provisional permit as provided in these rules. (3-28-23)
- 02. Speech Language Pathologist Licensure.** (3-28-23)
- a.** Approved Examination. Pass an examination in speech-language pathology given by PRAXIS. (3-28-23)
- b.** Approved Supervised Experience. Satisfactorily complete the supervised postgraduate experience approved by the Board as follows: (3-28-23)
- i.** Complete a minimum of three hundred fifty (350) hours of clinical practicum under the supervision of a licensed speech language pathologist. (3-28-23)
- ii.** Complete thirty-six (36) weeks of supervised clinical fellowship. (3-28-23)
- 03. Speech Language Pathologist Assistant Licensure.** All applicants for licensure as a speech-language pathologist assistant must comply with the following education and examination requirements: (3-28-23)
- a.** Approved Education. An associate degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board. (3-28-23)
- b.** Approved Examination. Pass an examination in speech-language pathology assistant offered by the American Speech-Language Hearing Association. (3-28-23)
- c.** Supervision. A speech-language pathologist assistant must work under the supervision of a speech-language pathologist. (3-28-23)
- 04. Hearing Instrument Specialist Licensure.** (3-28-23)
- a.** Approved Education. A high school diploma or GED. (3-28-23)
- b.** Approved Examination. Pass the ~~national~~ International Hearing Instrument Studies examination and the practical examination, or equivalent approved by the Board. (~~3-28-23~~)()
- 05. Sign Language Interpreter Licensure.** (3-28-23)

- a. Education. Possess a high school diploma or the equivalent. (3-28-23)
 - b. Examination or certification. Pass written and practical or performance competency examination approved by the Board or hold a current certification approved by the Board. (3-28-23)
 - i. Written examinations approved by the Board include but are not limited to: The Educational Interpreter Performance Assessment (EIPA), any interpreting generalist written examination developed by the Registry of Interpreters for the Deaf (RID), the Center for Assessment of Sign Language Interpreters (CASLI), or any state government. (3-28-23)
 - ii. Practical or performance examinations approved by the Board include but are not limited to: any practical or performance general interpreting examination recognized by the Registry of Interpreters for the Deaf (RID) or the Educational Interpreter Performance Assessment (EIPA) at score 4.0 or above. The practical or performance examination must have been passed within ten (10) years before the date of original application for licensure. (3-28-23)
 - iii. Certifications approved by the Board include, but are not limited to, those administered by: Registry of Interpreters for the Deaf (RID); National Association of the Deaf (NAD); Center for Assessment of Sign Language Interpreters (CASLI); Board for Evaluation of Interpreters (BEI) at basic level or above, or if certified before 2014, at intermediate level or above; Utah Interpreter Program (UIP) at professional or master level, or a Utah Certified: Deaf Interpreter (UC:DI). (3-28-23)
- 06. Deaf Interpreters.** (3-28-23)
 - a. Letter of Endorsement. Persons who are deaf or hard-of-hearing and are not sign language interpreters may perform sign language interpreting services in the role of a deaf interpreter if they file the approved application with the Board and include one (1) written endorsement letters from sign language interpreters licensed by the Board. Deaf Interpreters must complete this process on a yearly basis. (3-28-23)
 - b. Withdrawal of Endorsement. A sign language interpreter who has endorsed a deaf interpreter may withdraw their endorsement at any time upon delivery of written notice to the deaf interpreter and the Board. (3-28-23)
- 07. Temporary Registration for Out-Of-State Applicants.** (3-28-23)
 - a. Registration. A person licensed or certified in good standing as a sign language interpreter in another state, territory, or the District of Columbia may practice sign language interpreting in this state without a license issued by the Board for a period of thirty (30) days within a twelve (12) month period, provided they pay the required fee and meet the requirements of this section. The Board may grant an extension or additional registrations for good cause. (3-28-23)
 - b. Statement of Registration. Before commencing such work, the person will file with the Board on a form approved by the board a statement of registration providing the person's name, residence, sign language interpreter license or certificate of registration number, and the name, address, and phone number of the issuing authority. (3-28-23)
- 08. Continuing Education.** (3-28-23)
 - a. Requirement. Each licensee will successfully complete, in the twelve (12) months preceding each renewal of their license, a minimum of ten (10) contact hours of continuing education directly related to the scope of their practice and sponsored by a national, state, or regional professional association or an institution of higher education. (3-28-23)
 - i. For college or university courses that are approved by the Board for continuing education credit, one (1) semester credit hour equals fifteen (15) contact hours; one (1) quarter credit hour equals ten (10) contact hours. (3-28-23)

ii. For proctoring the hearing aid dealing and fitting examination administered by the Board, a licensee may claim three (3) contact hours per exam up to a total of six (6) contact hours during each year, provided that a licensee may not claim more than nine (9) contact hours during any three (3) year period. (3-28-23)

b. Documentation. Each licensee must maintain documentation verifying hours of attendance. This documentation is subject to audit and must be provided upon request. (3-28-23)

(BREAK IN CONTINUITY OF SECTIONS)

400. FEES.

1. **Non-refundable.** ~~All f Fees are non-refundable. Fees are established in accord with Title 54, Chapter 29, Idaho Code as follows:~~ (3-28-23)

~~for~~ for License, Permit, and Registration ~~Fees are as follows. Annual fees may be aggregated for biennial licensure.~~

LICENSE/PERMIT/REGISTRATION	INITIAL FEE (Not to Exceed)	ANNUAL RENEWAL FEE (Not to Exceed)
Application	\$30	
Original or Endorsement	\$70	\$100
Provisional Permit or Extension	\$100	
Registration Out-of-State Licensee	\$10	
Reinstatement fee	As provided in Section 67-2614, Idaho Code.	
<u>Video Remote Interpreting Provider</u>	<u>\$150 (for up to five employed sign language interpreters, and for every five thereafter</u>	<u>\$150 (for up to five employed sign language interpreters, and for every five thereafter</u>

(3-28-23)()

02. **Examination Fees.** The examination fee is that charged by the examination provider plus an administration fee of one hundred dollars (\$100) when the examination is administered by the Board. (3-28-23)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

DOCKET NO. 24-2801-2501 (FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-2604\(1\)\(g\)](#), Idaho Code, and [Section 54-5807\(1\)\(h\)](#), 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 15, 2025.

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:

An amendment to Rule 400 regarding a potential increase in fees to address the Barber and Cosmetology Services Licensing Board's cash balances. Additionally added the necessary definitions and provisions to allow for Mobile Establishment Licensure under the Board's existing statutory authority.

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

The increase proposed is fifteen (15) to twenty (20) percent of the current fees. Fee authorized by [Section 54-5807\(1\)\(h\)](#), Idaho Code. This increase is necessary to comply with the cash balance expectations of [Section 67-2608\(3\)](#), Idaho Code.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025 Idaho Administrative Bulletin, [Vol. 25-5, Pages 64-65](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 13th day of August, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714
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THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-2801-2501
(Only Those Sections With Amendments Are Shown.)

24.28.01 – RULES OF THE BARBER AND COSMETOLOGY SERVICES LICENSING BOARD

002. DEFINITIONS.

01. Clean. Removal of debris, washing with soap and water, detergent or chemical “cleaner.” Cleaning prepares non-porous items for disinfection, but cleaning does not make multi-use items safe for use. (7-1-24)

02. Disinfect. The process of making a non-porous item safe for use. Disinfecting requires the use of a chemical intended to kill or denature a bacteria, virus or fungus. Items to be disinfected must be cleaned prior to disinfection. Ultraviolet (UV) light is not acceptable for disinfection. (7-1-24)

03. Disinfectant. Disinfectant registered by the United States Environmental Protection Agency (EPA) and is bactericidal, virucidal and fungicidal with effectiveness against staphylococcus aureus (including methicillin-resistant staphylococcus aureus (MRSA)), human immunodeficiency virus (HIV) and hepatitis B (HEPB). This includes EPA registered Sodium Hypochlorite 5.25% or higher (household bleach) with instructions for disinfection, diluted as instructed on the label and observing the contact time listed on the manufacturer’s label. Bleach must be active (not expired) with a manufacture date of less than six (6) months prior to use. (7-1-24)

04. First-Aid Kit. A packaged and identifiable assortment of medical supplies, including adhesive bandages, skin antiseptic, disposable gloves, and gauze. (7-1-24)

05. Mobile Establishment. A mobile establishment is a self-contained, enclosed vehicle, trailer, or portable structure that is licensed to provide barbering and cosmetology services outside of a fixed location. ()

~~056.~~ **Single-Use.** Any non-electrical item that cannot be properly cleaned and disinfected. (7-1-24)

~~067.~~ **Sterilize.** The eradication of all microbial life through the use of heat, steam or chemical sterilants. Items to be sterilized must be cleaned prior to sterilization. (7-1-24)

~~078.~~ **Sterilant.** Autoclaves or dry heat sterilizers approved by and used in accordance with the United States Food and Drug Administration. (7-1-24)

003. -- 099. (RESERVED)

100. LICENSURE.

01. Approved Examination. The National Interstate Council of State Boards of Cosmetology’s written and practical examinations. (7-1-24)

02. Additional Licensure Educational Requirements. (7-1-24)

a. Barber License. A currently licensed cosmetologist must complete one hundred (100) hours of barber-related instruction, to include barber theory, haircuts, and shaving. (7-1-24)

b. Barber-Stylist License. A currently licensed cosmetologist must complete one hundred (100) hours of barber-stylist instruction, to include barber theory, haircuts, and shaving. (7-1-24)

c. Cosmetologist License. (7-1-24)

i. A currently licensed barber-stylist must complete three hundred (300) hours of cosmetology instruction, to include nail technology, esthetics, cosmetology theory, and hairstyling. (7-1-24)

ii. A currently licensed barber must complete seven hundred (700) hours of cosmetology instruction, to include working on the hair with chemicals, nail technology, esthetics, cosmetology theory, and hairstyling. (7-1-24)

iii. A currently licensed esthetician or nail technician must complete one thousand four hundred (1,400) hours of cosmetology instruction or two thousand eight hundred (2,800) hours as a cosmetology apprentice. (7-1-24)

~~iv. A currently certificated makeup artist must complete one thousand five hundred fifty (1,500) hours of cosmetology instruction or three thousand one hundred (3,100) hours as a cosmetology apprentice. (7-1-24)~~

~~d. Esthetician License. A currently certified makeup artist must complete five hundred fifty (550) hours of esthetics instruction or one thousand one hundred (1,100) hours as an esthetician apprentice. (7-1-24)~~

~~ed.~~ Out of State Licensure. A current licensee in another state, territory, possession or country, and who does not meet the qualifications for licensure through endorsement may be credited hours of instruction for practical work experience: (7-1-24)

i. Barber: One Hundred (100) hours as a student or two hundred (200) hours as an apprentice for every six (6) months of practical experience in barbering; (7-1-24)

ii. Barber-Stylist: Two hundred (200) hours as a student or four hundred (400) hours as an apprentice for every six (6) months of practical experience in barber-styling; (7-1-24)

iii. Cosmetologist: Two hundred (200) hours as a student or four hundred (400) hours as apprentice for every six (6) months of practical experience in cosmetology; (7-1-24)

iv. Electrologist: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months of practical experience in electrology; (7-1-24)

v. Esthetician: Sixty (60) hours as a student or one hundred twenty (120) hours as an apprentice for every six (6) months of practical experience in esthetics; (7-1-24)

vi. Nail Technician: Forty (40) hours as a student or eighty (80) hours as an apprentice for every six (6) months in practical experience in nail technology. (7-1-24)

~~03. Makeup Artist Certificate Approved Instruction. Classroom instruction, training, practical experience, or a combination received from a cosmetology school, a cosmetology or esthetics instructor, or a retail cosmetics dealer licensed in this state or another state, territory, possession, or country, or otherwise approved by the board. If an applicant does not have a documented record of sufficient training in makeup artistry, including safety and infection control, the Board may require additional training or other demonstration of competency in that area. (7-1-24)~~

~~043.~~ **Establishment.** An establishment may be licensed as primary or contiguous. (7-1-24)

a. An applicant for primary establishment licensure must provide proof of compliance with Rule 200.01.a. A primary establishment license will not be issued if it includes or overlaps any portion of an existing establishment license. (7-1-24)

b. An applicant for contiguous establishment licensure must certify that it is associated with and operates within a currently licensed primary establishment and the primary establishment license holder must certify that the primary establishment is equipped to meet all safety and disinfection requirements. (7-1-24)

c. Establishment licenses cannot be transferred. A change of location or a full change in ownership requires a new license application. In a multiple ownership establishment, an owner may be removed upon written statement by all owners, including the withdrawing owner. (7-1-24)

d. Mobile establishments must comply with all rules regarding licensure, safety, sanitation, disinfection, equipment, and waste disposal as set forth in Title 54, Chapter 58, Idaho Code, and these rules. The requirements of Rule 200.01.a for a permanent water source and restroom are satisfied for a mobile establishment if the mobile unit contains a functional sink with hot and cold running water and self-contained fresh water and waste water tanks. Mobile establishments may not be used for residential purposes or any other non-service-related purpose. Mobile establishments must provide a phone number that can be reached during operating hours. ()

(BREAK IN CONTINUITY OF SECTIONS)

200. PRACTICE STANDARDS.

01. Premises. (7-1-24)

a. A primary establishment must have: (1) a clearly defined and designated working floor space that allows the safe and sanitary practice of cosmetology and/or barber-styling for all stations that may be in operation and provides safe access to restrooms and access areas; (2) a hot and cold running water source and drainage system that are within the perimeters of the primary establishment, separate from restroom facilities, and available to any contiguous establishment or facility that may exist; and (3) restrooms that are accessible from the building in which the primary establishment is located and from any contiguous establishments or facility that may exist and which contain hot and cold running water and drainage separate from the work area facilities. The license holder is responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the designated licensed area of the primary establishment, including “common areas.” (7-1-24)

b. A contiguous establishment must operate only in the contiguous establishment designated areas within the associated primary establishment. The contiguous establishment license holder is responsible for complying with the safety and disinfection requirements and all other applicable statutes and rules for the contiguous designated area where it operates. (7-1-24)

c. Retail cosmetic dealers must have access to hot and cold running water; access to restroom facilities; disinfectants; single-use samples, wipes, spatulas or other dispensing techniques designed to prevent contamination of the cosmetic product; and a first-aid kit. (7-1-24)

02. Practice Outside of Licensed Establishment. Pursuant to Section 54-5804(2)(c), Idaho Code, a licensee or certificant can provide the following services outside of a licensed establishment: (7-1-24)

a. Hair Styling. Arranging, styling, and dressing of the hair. Trimming may be performed when incidental to the arranging, styling, or dressing, including facial hair such as beards, mustaches, and eyebrows. (7-1-24)

b. Coloring. Wash out topical color, tinted powder, spray or chalk to temporarily camouflage hair. (7-1-24)

c. Temporary Hair Removal. Tweezing of hairs on the face and neck. (7-1-24)

d. Cleansing. Cleansing the face for the limited purpose of removing makeup or debris and cosmetic preparations for the application of makeup. (7-1-24)

e. Nail Services. Application of nail polish by painting without the use of a lamp or light, removal of polish incidental to the painting of the nail, and shaping the nail with a single-use emery board. (7-1-24)

f. Makeup Application. Application of makeup. (7-1-24)

03. Safety And Disinfection for Establishments and Schools. (7-1-24)

a. Establishments and schools must be separated from living areas by substantial walls and/or closable doors. Floors, walls, ceilings, furniture, fixtures, and restrooms must be kept clean and in good repair at all times. A clearly identifiable first-aid kit must be readily accessible. (7-1-24)

b. All instruments and items used by operators must be thoroughly cleaned after each use and then disinfected with a disinfectant or sterilized with a sterilant after cleaning and prior to use on each patron. A disinfectant must be mixed and changed according to the manufacturer's instructions. Disinfection methods of immersion, sprays, and wipes may be used. Contact time listed on the disinfectant's label must be adhered to in all circumstances. Items or surfaces must remain completely immersed in disinfectant or visibly wet, if using sprays or wipes, for the full amount of contact time. (7-1-24)

c. Porous or single use instruments and items must be immediately disposed of in a trash container after each use on a patron or given to the patron to take home for personal use, provided that the instruments may not be brought back to the establishment for future use. Skin cutting instruments, including razor-type callus shavers, credo blades, or other rasps or graters which cut below the skin surface are not permitted in the establishment. (7-1-24)

d. Paraffins, waxes and other multi-patron use products must be covered and maintained free of any foreign contaminants. Only disinfected or unused single-use items may be placed into a container that holds multi-patron use products. These products must be portioned out for each patron in a container or dispensed in a manner that prevents contamination of the unused supply. All portions used on a patron must be disposed of immediately following use. (7-1-24)

e. Pedicure bowls, basins, tubs, drill bits, internal piping, and pumps must be cleaned and disinfected prior to each use as directed by the manufacturer. (7-1-24)

f. Operators and students must wash their hands with running water, soap and a single-use towel prior to providing service to any patron. When hand washing is not practicable, hand sanitizer of at least seventy percent (70%) alcohol may be used. (7-1-24)

g. No animals are allowed in shops or schools except service dogs, as defined by the U.S. Department of Justice Regulations, trained to do work or perform tasks for persons with disabilities. (7-1-24)

h. A current establishment and/or school license, valid operator license(s), a copy of these safety and disinfection rules, and a valid classification card must be conspicuously displayed in the work area of each establishment or school. (7-1-24)

**04. Safety and Disinfection for Retail Cosmetics Dealer Facilities~~and Makeover or Glamour~~
~~Photography Businesses.~~ (7-1-24)**

a. Makeup that comes in a cake, loose, or liquid form must be transferred to a palette with a disinfected or single-use spatula for use with a single patron and in a manner to prevent any contamination. Excess make-up on the palette must be disposed of immediately following use. (7-1-24)

b. Make-up pencils that require a sharpener must be sharpened prior to each use. Sharpeners must be cleaned and disinfected in accordance with Rule 200.03.b. Eyeliner that does not require a sharpener must have a portion transferred to a palette with a disinfected or single-use spatula for use on a single customer. (7-1-24)

c. Single-use applicators must be used in the application of mascara. (7-1-24)

d. Implements and applicators, including brushes, used on customers or made available for use by customers must be stored, cleaned, and disinfected or discarded in accordance with Rule 200.03.b. and c. (7-1-24)

e. Make-up displays should be covered when not in use. When accessible for use by patrons, single-

use applicators must be readily available. (7-1-24)

f. A clearly identifiable first-aid kit must be readily accessible on the premises. (7-1-24)

g. A current license/registration, a copy of these safety and disinfection rules, and a valid classification card must be conspicuously displayed in the work area of each facility. (7-1-24)

05. Inspections. ()

a. A facility, school, or establishment must make improvements within thirty (30) days of an unacceptable “C” classification inspection result. The Board may allow an establishment, school, or facility to continue to operate during that period. The Board may take action prior to any reinspection when the circumstances represent an immediate danger to the public health, safety, or welfare. (7-1-24)

b. Mobile establishments are subject to periodic and initial inspections by the Board. The license holder must permit the Board to inspect the mobile unit at any time during operating hours or as otherwise requested by the Board. A mobile salon shall submit to the Board, upon request, in a manner specified by the Board, an itinerary for a requested time period showing the dates, exact locations and times service is to be provided. Failure to provide accurate information may be determined to be a violation of Rule 200.06.h below. ()

06. Unprofessional Conduct. The following practices constitute unprofessional conduct. (7-1-24)

a. Use of Methyl Methacrylate acid (MMA). (7-1-24)

b. Use of skin cutting instruments, including razor-type callus shavers, credo blades, or other rasps or graters which cut below the skin surface. The presence of such instruments creates a presumption of the instrument's use. (7-1-24)

c. Use of ultraviolet (UV) sterilizers for disinfection. This does not prohibit the use of ultraviolet dryers or lamps used to dry or cure nail products. (7-1-24)

d. Use of roll-on wax, except that single-use roll-on wax cartridges are acceptable when they are limited to a single client service and disposed of immediately after use. (7-1-24)

e. Placing an item or instrument that has been used on a person or placing a person's body part into a container that holds powder, wax, a compound, solution, or other cosmetic preparation that will be used for more than one (1) patron. (7-1-24)

f. Use of single-use or porous items on more than one (1) patron. The presence of used single-use or porous items, which have not been disposed of in a trash container, creates a presumption of the item's use or intended use on more than one patron. (7-1-24)

g. Failure to adequately supervise, instruct, or train an apprentice. (7-1-24)

h. Interference with an inspection or investigation conducted by or on behalf of the Board. (7-1-24)

i. Performing a service on a patron who has an open sore or a known contagious disease of a nature that may be transmitted by performing the procedure. (7-1-24)

k. Performing services or using machines or devices outside the licensee's area of training, expertise, competence, or scope of practice for the license held. (7-1-24)

201. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable. Annual fees may be aggregated for biennial licensure.

FEE TYPE	AMOUNT (Not to Exceed)	~~ANNUAL~~ ~~RENEWAL~~ ~~FEE~~ (Not to Exceed)
Individual Original License or Certificate	~~\$25~~ <u>\$30</u>	~~\$25~~ <u>\$30</u>
Application	~~\$25~~ <u>\$30</u>	
Instructor License	~~\$30~~ <u>\$35</u>	~~\$30~~ <u>\$35</u>
Establishment, Dealer, Facility License/Registration	~~\$20~~ <u>\$25</u>	~~\$20~~ <u>\$25</u>
School License	~~\$300~~ <u>\$360</u>	~~\$85~~ <u>\$100</u>
Apprentice Registration	~~\$25~~ <u>\$30</u>	
Endorsement License	~~\$35~~ <u>\$45</u>	
Reinstatement	\$35	

(7-1-24)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.32.01 – RULES OF THE IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

DOCKET NO. 24-3201-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 54-1208](#), 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 15, 2025.

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 rule change would move the official fee table for Idaho Board of Professional Engineers and Land Surveyors (IPELS) from a posting on the Division of Occupational and Professional Licensing website into rule to comply with [Section 67-9402\(2\)](#), Idaho Code, requiring “all licensure fees shall be established in statute or rule.” Importantly, there are no contemplated changes to the current fee amounts. Instead, the current fees will simply be established in rule.

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

While the fee is being affected, it is not being increased or imposed in a new or different manner. [Section 67-9402\(2\)](#), Idaho Code, requires all fees to be in statute or rule, and this is moving the existing fees into rule. Fee authorized by [Section 54-1213](#), Idaho Code.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2025 Idaho Administrative Bulletin, [Vol. 25-8, Pages 169–170](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 13th day of August, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714
Phone: (208) 577-2519
Email: kolby.reddish@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3201-2501
(Only Those Sections With Amendments Are Shown.)

**24.32.01 – RULES OF THE IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

400. FEES.

01. Applications and Renewals. All fees are non-refundable. Annual fees may be aggregated for biennial licensure. All fees are set by the Board in the following categories ~~and are accessible on the Division's website.~~

<u>Application Type</u>	<u>Fee (in US Dollars)</u>
<u>Initial Licensure</u>	<u>\$80</u>
<u>Licensure by Comity</u>	<u>\$125</u>
<u>Business Entity Authorization Cert.</u>	<u>\$200</u>
<u>Faculty Restricted License</u>	<u>\$100</u>
<u>Intern Certificate</u>	<u>No Fee</u>
<u>Renewal Type</u>	<u>Fee (in US Dollars)</u>
<u>Engineers or Land Surveyors License</u>	<u>\$150</u>
<u>Business Entity Authorization Cert.</u>	<u>\$120</u>
<u>Intern Certificate</u>	<u>\$20</u>
<u>Retired License</u>	<u>No Fee</u>
<u>Late Renewal Type</u>	<u>Fee (in US Dollars)</u>
<u>Engineers or Land Surveyors</u>	<u>75 per Month (Maximum of 350 in late fees)</u>
<u>Business Entity Authorized Cert.</u>	<u>60 per Month (Maximum of 380 in late fees)</u>
<u>Intern</u>	<u>No Fee</u>
<u>Retired License</u>	<u>No Fee</u>

(7-1-25)()

- a. Licensure as a professional engineer or professional land surveyor by examination. (3-28-23)
- b. Reinstatement of a retired or expired license. (3-28-23)
- c. Certification for a business entity applying for a certificate of authorization to practice or offer to practice engineering or land surveying. (3-28-23)
- d. Renewals for professional engineers, professional land surveyors, engineer interns, land surveyor interns, and business entities. (3-28-23)
- e. Licensure for professional engineers or professional land surveyors by comity. (3-28-23)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 24-3501-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Sections 36-2107, 36-2109\(a\), and 36-2110\(c\)](#), 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 15, 2025.

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:

Removes definitions that are duplicative of statute, making requested changes to tag calculations, and proposes changes to the operating boundaries in three river sections.

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

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2025 Idaho Administrative Bulletin, [Vol. 25-8, Pages 171-172](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 13th day of August, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714
Phone: (208) 577-2519
Email: kolby.reddish@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3501-2501
(Only Those Sections With Amendments Are Shown.)

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

000. LEGAL AUTHORITY.

~~These rules have been promulgated pursuant to authority granted in the Outfitters and Guides Act~~ Title 39, Chapter 21, Idaho Code. ~~(4-6-23)~~ ()

(BREAK IN CONTINUITY OF SECTIONS)

002. DEFINITIONS.

The definitions set forth in Section 36-2102, Idaho Code, are applicable to these rules. In addition, the following terms have the meanings set forth below: (4-6-23)

01. Act. Title 36, Chapter 21, Idaho Code, commonly known as the Outfitters and Guides Act, as amended. (4-6-23)

02. Authorized Person. An investigator or inspector in the employ of the Board, a conservation officer of the IFGC, or any local, state, or federal law enforcement officer. (4-6-23)

03. Classified River. For the purpose of these rules, specific sections of some whitewater river or streams which are considered more hazardous than others have been designated “classified.” Classified rivers are denoted by an asterisk (*) in the list of rivers contained in Subsection 259.01. (4-6-23)

04. Compensation. The receipt, exchange or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party is not deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. (4-6-23)

05. Facilities and Services. The provision of personnel, lodging (tent, home, lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designed in Section 36-2102(b), Idaho Code. (4-6-23)

06. Fishing. Fishing activities on those waters and for those species described in the rules of the IFGC, IDAPA 13.01.11, ~~“Rules Governing Fish,”~~ general fishing seasons and any anadromous fishing rules and as authorized in the Outfitter’s Operating Plan. ~~(4-6-23)~~ ()

07. Float Boats. Watercraft (inflatable watercraft, dories, drift boats, canoes, catarafts, kayaks, sport yaks, or other small watercraft) propelled by, and moving with the stream flow, maneuvered by oars, paddles, sweeps, pike poles or by motors for downstream steerage only. Downstream steerage does not include holding or upstream travel of a watercraft with a motor. Excluded as float boats are personal flotation devices, innertubes, air mattresses, or similar devices. (4-6-23)

08. Hazards. Potential dangers to the health, safety, or welfare of the outfitted public which are known risks inherent to an outfitted or guided activity. (7-1-25)

09. Hunting. The pursuit of any game animal or bird and all related activities including packing of

client camp equipment, supplies, game meat and clients to and from a hunting camp. (4-6-23)

10. IFGC. The Idaho Department of Fish and Game or the Idaho Fish and Game Commission. (4-6-23)

11. Major Activity. A licensed activity, the nature of which requires a significant commitment of time and effort by an outfitter in its execution and is intended to provide a significant amount of income to an outfitter. (4-6-23)

12. Major Amendment. All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request. (4-6-23)

13. Minor Amendment. All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request. (4-6-23)

14. Operating Area. The area assigned by the Board to an outfitter for the conduct of outfitting activities. (4-6-23)

15. Operating Plan. A detailed schedule or plan of operation which an outfitter proposes to follow in the utilization of licensed privileges, areas, or activities. (4-6-23)

16. Out-of-Pocket Expenses. The direct expenses attributable to a recreational activity. Such direct expenses do not include: (4-6-23)

a. Compensation for either sponsors or participants; (4-6-23)

b. Amortization or depreciation of debt or equipment; or (4-6-23)

c. Costs of non-expendable supplies. (4-6-23)

17. Power Boats. All motorized watercraft used on Idaho waters open to commercial outfitting activities. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steerage. (4-6-23)

18. Watercraft. A boat or vessel propelled mechanically or manually, capable of operating on inland water surfaces. Excluded as watercraft are hovercraft, jetskis, personal flotation devices (PFD's), or similar devices. (4-6-23)

003. – 099. (RESERVED)

100. OUTFITTER OR DESIGNATED AGENT LICENSE OR AMENDMENT APPLICATION.

A complete application for a new outfitter or designated agent license, outfitter license major amendment, or new landowner statement in existing areas must, in addition to all other requirements, include: (4-6-23)

01. Name. The name(s) registered with the Idaho Secretary of State as an assumed business name, the name of the business entity, or both. (4-6-23)

02. Other Signatures. Signed landowner or land manager statement from: (4-6-23)

a. The affected state and federal land managers in all areas where an outfitter plans to utilize lands administered by the state or federal government (this may involve memorandum of understanding procedures as applicable to proposed operation on national forest or public domain lands); and (4-6-23)

b. Private land owners, or their agents, where an outfitter applicant proposes to use such private lands in his operation. (4-6-23)

03. Operating Plan. An operating plan required by the germane land management agency or on a Board approved form. (4-6-23)

04. Insurance. Current certificate or proof of insurance covering licensed activities. (4-6-23)

~~**05. Designated Agent.** When the applicant is a corporation, firm, partnership, or other organization or combination thereof, the designation at least one (1) designated agent who is a qualified outfitter, covered by the outfitter's bond, and who will be responsible for the outfitting business. The designated agent must apply for and be granted a license. (4-6-23)~~

~~**06.5. Hearing.** If more than one (1) applicant submits a complete application with landowner statement(s), the Board has the discretion to decide the successful applicant. (4-6-23)~~

~~**07.6. Existing Operating Area.** A licensed outfitter may be given priority for any opportunities within the outfitter's existing operating area boundaries. (4-6-23)~~

~~**08.7. Operating Area Limitations.** To safeguard the health, safety, and welfare of the public and for the conservation of wildlife and fish resources, the Board may place a limit on the number of outfitter licenses issued within an operating area. (4-6-23)~~

(BREAK IN CONTINUITY OF SECTIONS)

203. OPERATING AREA.

An outfitter's operating area may be adjusted for reasons of wildlife and fish conservation, where territorial conflict exists, or for the safety of persons utilizing the services of outfitters. Special circumstances may also warrant short term modification of an outfitters operating area. (4-6-23)

01. Environmental Considerations. Any changes in wildlife population health, environmental conditions and/or new government regulation may result in the adjustment of an outfitter's operating area. (4-6-23)

02. Conflict Considerations. An incident(s) of territorial conflict, particularly one that leads to public safety concerns, may result in the adjustment of an outfitter's operating area. (4-6-23)

03. Safety Considerations. Any change(s) in the environmental condition(s), in the manner or amount of public use of the operating area and/or in a licensee's manner of operation within the operating area, that pose a threat to the health and safety of persons using the operating area may result in a change in the outfitters operating area. (4-6-23)

~~**04. Hot Pursuit.** The Board may approve a minor amendment of an outfitters license to allow an outfitter licensed for bear and cougar hunting to enter into an adjacent area with a client for hot pursuit of bear and cougar hunting when hunting with hounds, provided that the pursuit starts inside the outfitter's licensed area. (4-6-23)~~

~~**05.4. Controlled Hunts Outside Operating Area.** The Board may authorize an outfitter who is licensed for hunting moose, bighorn sheep, or mountain goat to conduct a one-time hunt outside of the outfitter's licensed area when the outfitter submits a request on a Board-approved form. (4-6-23)~~

~~**a.** For changes of operation under Subsections 04 and 05 of this Rule, written permission from all outfitters licensed for the species in the hunt area being requested and all applicable landowners or land managers will be provided to the Board. (4-6-23)~~

~~**b.** For changes under Subsection 04 and 05 of this Rule, under special circumstances the Board may waive the requirement of approval from the overlapping outfitter(s). (4-6-23)~~

c. For changes under Subsection 05 of this Rule, no compensation is permitted between outfitters participating in the conduct of a controlled hunt in another outfitter's area, unless the outfitter supplies a service for that compensation. (4-6-23)

065. Overlap Predator Areas. The Board may authorize outfitters to enter into a standing agreement with each other and the appropriate land manager(s) allowing the outfitters to hunt wolf, mountain lion, or black bear ~~or to trap~~ across multiple operating areas. (4-6-23)()

(BREAK IN CONTINUITY OF SECTIONS)

205. AVAILABILITY OF OUTFITTING OPPORTUNITIES.

Except as provided in other sections of this chapter, when a new opportunity or existing opportunity which had previously been licensed to another outfitter becomes available, the Board may use a competitive application process through a waiting list, public notice, or both to select a qualified applicant. A competitive application process may be coordinated with another governmental agency that has management or permitting authority over the opportunity. (4-6-23)

01. Waiting List. The waiting list will be maintained for each individual river, lake and reservoir outlined in Section 259 and for each specific IFGC unit listed in IDAPA 13.01.08, ~~"Rules Governing Taking of Big Game Animals."~~ (4-6-23)()

02. Placement on Waiting List. A written request, in a form specified by the Board, must be submitted to be placed on the waiting list, and a name on the waiting list will be maintained for a period of five (5) years or until December 31 of the fifth year that the name is placed on the list, whichever comes first. (4-6-23)

03. Notification. When public notice is used when an opening occurs, a public announcement will be made via the Board's website and may be made in conjunction with notice by another governmental agency. Persons on the waiting list will be notified of the available opportunity in any competitive application process. (4-6-23)

04. Application Period and Consideration. Anyone wishing to apply for the opportunity must submit a complete application or amendment, by the date specified in the notice. The Board will consider the qualifications of all applicants and in its discretion select the best qualified applicant. (7-1-25)

(BREAK IN CONTINUITY OF SECTIONS)

257. DESIGNATION OF ALLOCATED DEER AND ELK TAGS.

For the purposes of this section, an outfitting operation is an outfitter licensee whose licensed activities include hunting for the species in the area of the allocated tag being designated. When IFGC allocates tags, the allocated tags will be designated pursuant to Section 36-2120, Idaho Code, and this rule. The designation applies for the next season unless IFGC adjusts the number of allocated tags for the hunt. (4-6-23)

01. Notification. All notices, orders, or other documents may be made to the email address on file with the Board. (4-6-23)

02. Outfitted Hunter Tag Use History. Each outfitter's hunter tag use history will be determined from the use recorded by IFGC pursuant to Section 36-408(4), Idaho Code, and as may be adjusted as a result of a tag transfer or hardship request that is approved by the Board. (4-6-23)

a. Transfers. An outfitting operation is credited for use of an allocated tag that it transfers to another outfitting operation for use that year in the same hunt. The receiving outfitting operation is not credited for using the transferred tag. (4-6-23)

b. Surrenders. An outfitting operation may surrender a designated allocated tag(s) to the undesignated

tag pool for use by any outfitting operation in the same hunt. The surrendering outfitting operation is not credited for use of the surrendered tag unless it later uses the tag from the pool. (4-6-23)

03. New Hunt Allocated Tag Designation. When the IFGC allocates tags for a newly capped, limited, or controlled hunt, the allocated tags will be designated proportionately as follows: (4-6-23)()

a. Divide each outfitting operation's base allocation by the total of all base allocations in the hunt, resulting in a percentage of total use. Truncate the decimal at the hundredths place. (4-6-23)

b. Multiply the percentage of total use from Subsection 257.03.a. of these rules by the total number of allocated tags for the hunt, which determines the number of allocated tags designated to the outfitting operation. (4-6-23)

04. Use of Previously Designated Allocated Tags. For established capped, limited, or controlled hunts, allocated tags will first be designated to each outfitting operation in an amount equal to the outfitting operation's use of the allocated tags previously designated to it for the same hunt. (4-6-23)()

a. In a capped or limited hunt, the use of previously designated allocated tags is the average use of allocated tags in the preceding two (2) years; in the event that IFGC adjusts the number of allocated tags in a hunt where there is only one (1) year of allocation, the Board will not average the use. (4-6-23)()

b. In a controlled hunt, the use of previously designated allocated tags is the highest year of use of allocated tags in the preceding two (2) years. (4-6-23)

c. In any hunt when the designation of tags results in a point five (.5) and the resulting designation is rounded down, apply the following: ()

i. If there are sufficient remaining or additional tags in the hunt to round up every outfitter designation that has been rounded down in Subsection 257.04.a. or b. above, then designate one (1) additional tag to those outfitters designations. If there are not sufficient tags available, then proceed to Subsection 257.05 below. ()

05. Remaining or Additional Allocated Tags. Allocated tags not designated above will be designated proportionately as follows: (4-6-23)

a. Subtract each outfitting operation's use of previously designated allocated tags from Subsection 257.04 from its base allocation number to determine the number of non-allocated tags it used for a capped or limited hunt or the matching hunt with non-allocated tags for a controlled hunt, when necessary to determine non-allocated tag use; then (4-6-23)()

b. Divide the result by the total number of non-allocated tags used by all outfitting operations, resulting in a percentage of the total non-allocated tags used by outfitting operations in that hunt. Truncate the decimal at the hundredths place; and finally (4-6-23)

c. Multiply the percentage of total use from Subsection 257.05.b. by the number of allocated tags yet to be designated, which determines the number of allocated tags designated to the outfitting operation. (4-6-23)

06. Rounding. If allocated tag designation results in a partial tag, the calculation will be rounded up when a decimal equals or exceeds six tenths (0.6) and rounded down when a decimal is less than six tenths (0.6). When calculating after a reduction of allocated tags pursuant to Section 36-2120(4), Idaho Code, the calculation will be rounded up when a decimal equals or exceeds five tenths (0.5) and rounded down when a decimal is less than five tenths (0.5). (4-6-23)

07. Tie-breaker. If, after applying Subsections 257.03 through 06, there is a surplus or deficit of allocated tags to be designated, the unrounded proportion from Subsection 257.05, with as many decimal places as necessary, will be used, and then as follows: (4-6-23)

a. After a reduction in allocated tags, surplus tags will first be designated in amounts to restore outfitter operations to the number of tags that would have otherwise been designated pursuant to Subsection 257.04 or as close thereto as practicable. (4-6-23)

b. If a surplus, the outfitting operation whose unrounded proportion is the greatest will be designated one (1) tag, and if there are additional surplus tags, the outfitter with the next greatest unrounded proportion will be designated one (1) allocated tag, and repeated in descending unrounded proportions until all surplus tags are designated. In the event there is more than one outfitting operation with the same unrounded proportion and there are insufficient undesignated tags to designate to each outfitter, the undesignated tag will be designated based on a random drawing between those outfitting operations. (4-6-23)

c. A deficit will be resolved from the outfitting operation whose unrounded proportion is closest to six tenths (0.6), and then next closest to six tenths (0.6) when there is a deficit of more than one (1) allocated tag. If there is more than one (1) outfitting operation with the same unrounded proportion, a random drawing will be held between those outfitters. (4-6-23)

08. Stipulation by Outfitters. Outfitting operations in a hunt may submit to the Board a written stipulation determining the number of allocated tags designated to each outfitting operation in that hunt. The stipulation must be signed by all eligible outfitting operations for the hunt; however, under special circumstances, the Board may waive the requirement of approval from all other outfitting operations. If the Board approves the stipulation, the stipulation will be effective until the next designation of allocated tags for the hunt. On or before November 1 preceding the hunt, any outfitting operation may petition the Board to vacate the stipulation for good cause that would make it unconscionable or unjust to enforce the stipulation. If the Board vacates the stipulation, the allocated tags in that hunt will be designated pursuant to Section 36-2120, Idaho Code, and this rule. (4-6-23)

09. Undesignated Tag Pool. Any designated allocated tags that are surrendered or have not been utilized by an outfitting operation on or before July 16 or the next business day for a capped or limited hunt, or on or before September 10 or the next business day for a controlled hunt, will be available in an undesignated pool for any outfitting operation, as follows: (4-6-23)()

a. Beginning April 10 preceding the hunt, an outfitting operation may submit a request for an allocated tag from the pool. The request must be on a Board-approved form. (4-6-23)

b. Beginning April 20 preceding the hunt, or next business day thereafter, until July 16, allocated tags will be designated from the pool on a first-come, first-served basis to an outfitting operation without any designated allocated tags or which has utilized all of its designated allocated tags, with a maximum of two (2) tags per operation per round until all tags are designated. (7-1-25)

c. No tags designated from the pool will be considered for historical use calculations until all tag transfers are recorded and all hardship requests have been resolved. (7-1-24)

d. After July 16, tags will be designated on a first-come, first-served basis. Any remaining tags will be distributed among all requesting operations with a maximum of two (2) tags per operation per round until all requested tags have been allocated. (7-1-25)

10. Objection to Calculation. If an outfitting operation believes the calculation is incorrect, it may object by filing a petition with the Board within fourteen (14) days from the date the notification was sent and in accordance with the Idaho Administrative Procedures Act. The petition will include any supporting information or documentation. (4-6-23)

a. All outfitting operations in the hunt in question will be notified of the petition. (4-6-23)

b. The outfitting operation bears the burden of establishing that the calculation was incorrect. (4-6-23)

11. Hardship Request. An outfitting operation may submit a written hardship request to maintain all or a portion of previous outfitted hunter tag use history when the outfitting operation shows good cause that its use of allocated designated tags was impacted by circumstances beyond the outfitting operation's control. The request must

be submitted on or before a deadline set by the Board. The outfitting operation must provide information or documentation as requested by the Board to substantiate the request. (4-6-23)

12. Change in Operating Area or Owner of Business. When an outfitting operation is sold or when an operating area is adjusted through a sale and designated allocated tags are associated with the affected operating area, the associated designated allocated tags and tag use history will transfer to the new owner. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

259. RIVER, LAKE, AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.

For the express purpose of safeguarding the health, safety and welfare of the public, for the conservation of wildlife and range resources, and to enable the outfitted and non-outfitted public to enjoy the recreational value of Idaho's rivers, streams, lakes, reservoirs and other natural resources, the Board has discretion to limit the number of outfitters licensed on waters that lie totally or partially within the State of Idaho. Pursuant to Section 36-2107(e), Idaho Code, the Board may cooperate with federal and state government to evaluate relevant factors in decisions related to setting outfitter licensure limits on navigable waterways. The following rivers and streams or sections that lie totally or partially within the state of Idaho are open to commercial boating operations by outfitters and guides. (4-6-23)

01. Licensable Waters – River Sections (BL1) Blackfoot River through (PR1) Priest River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(BL1) Blackfoot River - Blackfoot Reservoir/Government Dam to Trail Creek Bridge. For each license/permit issued, no more than two (2) boats per section/per day may be used by any outfitter at any one time in each of the following river sections: a) Blackfoot Reservoir/Government Dam to Sage Hen Flats/Cutthroat Campground b) Sage Hen Flats/Cutthroat Campground to Morgan Bridge c) Morgan Bridge to Trail Creek Bridge No outfitter may have more than six (6) boats on the BL1 in any one (1) day. OGLB licenses are for the entire BL1 segment; a section of BL1 cannot be separated from BL1 for the purposes of selling a portion of an outfitter's business.	none	2
(BO1) Boise River, South Fork - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fisherman. No overnight camping or walk-and-wade fishing allowed.	none	2
(BO1A) Boise River - Eckert Road Bridge to Main Street Bridge.	none	
(BO1B) Boise River - Main Street Bridge to West side of Garden City limits.	none	
(BO2) Boise River - Downstream from the west side of the Garden City municipal limits to the east side of the Caldwell municipal limits. A maximum of two (2) outfitters may be licensed for fishing in addition to float boating. Each outfitter may use at any time a maximum of four (4) boats for boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	none	4

River/Section	Maximum No. Power	Maximum No. Float
(CF1) Clark Fork River - Entire river upstream of a straight line extending north of county boat dock (near mouth of Johnson Creek) to Bear Paw Point (southwest tip of Denton Slough). Each outfitter may use at any one time a maximum of two (2) boats prior to the Friday preceding Memorial Day of each year, there is no limit thereafter.	2 outfitters for either power or float or combination thereof	
(CF2) Clark Fork River - Entire river upstream of a straight line extending north of county boat dock (near mouth of Johnson Creek) to Bear Paw Point (southwest tip of Denton Slough) (boating limited to the Friday preceding Memorial Day through November 30)	2 outfitters for either power or float or combination thereof	
(CL1) Clearwater River - Lowell to the Lower Bridge at Kooskia. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. Fishing may not be conducted downstream from the Upper Bridge at Kooskia by CL1 outfitters. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5
(CL2) Clearwater River - The Upper Bridge at Kooskia to the Orofino Bridge. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	6	10
(CL3) Clearwater River - The Orofino Bridge to the mouth of the Clearwater River with the Snake River at Lewiston. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	10	10
* (NFCL) North Fork Clearwater River - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir	none	4
(CDNF) Headwaters of North Fork Coeur d'Alene - Including tributaries (Independence and Tee Pee Creeks) upstream from Devils Elbow Campground. Three (3) walk and wade only licenses. Up to four (4) clients on the river at one time per license.	none	none
(CD1) Coeur d'Alene River - Devil's Elbow to South Fork confluence. Fishing limit is two (2) float boats per license with a maximum of two (2) clients at a time per boat. Two (2) additional walk and wade licenses can be issued. Walk and wade limited to a maximum of two (2) clients at a time per license.	none	1
(CD2) Coeur d'Alene River - South Fork confluence downstream to Cataldo Mission Boat Ramp. Fishing limit is one (1) float boat per license with a maximum of two (2) clients or two walk and wade clients per license at a time. Walk and wade activities do not have to be initiated from a float boat.	none	1

River/Section	Maximum No. Power	Maximum No. Float
(CD3) Lateral (Coeur d'Alene chain) Lakes - Connected by the Coeur d'Alene River. Cataldo Mission Boat Ramp to Highway 97 Bridge. A limit of one (1) power boat per license with a maximum of two (2) clients at a time or a limit of one (1) guide per license and two (2) float tubes at a time or two (2) clients walking and wading. The walk and wade activities must be associated with the power boating.	3	none
* (JB1) Jarbidge/Bruneau Rivers	none	4
(KO1) Kootenai River - Montana state line to Canada boundary	5	5
(LCL1) Little North Fork Clearwater River - Mouth of Canyon Creek to first bridge on the Little North Fork Clearwater River. Fishing only. Each outfitter may use only two (2) boats per day with a maximum of two (2) fishermen per boat.	none	2
* (LO1) Lochsa River	none	5
(MO1) Moyie River - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20)	none	5
* (OW1) Owyhee River - Nevada state line to Oregon state line or South Fork to confluence with Owyhee River and continuing on to a take-out point.	none	6
(PN1) Payette River, North Fork - Payette Lakes Outlet to Hartsell Bridge. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN1A) Payette River, North Fork - Cascade City Park, ¼ mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F & G rules apply. No stopping by commercial groups from ¼ mile above to ¼ mile below heron nesting trees. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN2) Payette River, North Fork - Cabarton to Smiths Ferry Bridge	none	5
(PS1) Payette River, South Fork - Grandjean to Deadwood River	none	5
* (PS2) Payette River, South Fork - Deadwood River to Banks	none	5
(PA1) Payette River - Banks to Black Canyon Dam	none	5
(PO1) Pend Oreille River	5	5
(PR1) Priest River - Dickensheet Campground to Priest River City	none	2

(7-1-25)

02. Licensable Waters – River Sections (MF1) Middle Fork Salmon River through (SE2) Selway River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(LS1) Little Salmon River – From Highway 95 bridge at Hazard Creek to confluence of the Main Salmon River. Annually, prior to May 15, portage of the amphitheater rapid on river right is required when anglers are present in the hole below the rapid. Closed for operating below mouth of the Rapid River in May through July. No fishing.	none	2
*##(MF1) Salmon River, Middle Fork - Boundary Creek to Cache Bar on the Salmon River	none	27
(SA1) Salmon River - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar	none	6
(SA2) Salmon River - Torrey's Bar to first Highway 93 bridge above Challis. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	5
(SA3) Salmon River - First Highway 93 bridge above Challis to Kilpatrick River access. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	6
(SA4A) Salmon River - Kilpatrick River access to North Fork - License period from May 1 to September 30. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	5	11
(SA4B) Salmon River - Kilpatrick River access to North Fork - License period from October 1 to April 30. Each power boat outfitter may use at any one time a maximum of one (1) boat and each float boat outfitter may use at any one time a maximum of three (3) boats.	2	8
(SA5) Salmon River - North Fork to Corn Creek	3	9
*##(SA6) Salmon River - Corn Creek to Spring Bar Boat Ramp with no outfitter fishing below Vinegar Creek from September 15 through March 31 except that on a case-by-case basis, outfitter fishing may occur when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer.	14	31
* (SA7A) Salmon River - Vinegar Creek to Hammer Creek - License period from March 15 to October 15. No power boating is allowed from the Saturday before Memorial Day through Labor Day from 10:30 a.m./Mountain Time to 5:00 p.m./Mountain Time daily between the Riggins City Boat Dock and Lucile.	10	26

River/Section	Maximum No. Power	Maximum No. Float
* (SA7B) Salmon River - Power boats from Vinegar Creek to Spring Bar Boat Ramp and float boats from Vinegar Creek to Island Bar Boat Ramp, open from September 15 to March 31 only. Each float boat outfitter may use at any one time a maximum of three (3) boats for fishing, or two (2) additional boats for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer; and each power boat outfitter may use at any one time a maximum of two (2) boats for fishing, or one (1) additional boat for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer.	6	12
* (SA7C) Salmon River - Riggins City Park Boat Ramp to Hammer Creek. Three (3) designated outfitters may utilize float boats to fish from the Riggins City Boat Dock to Hammer Creek during the period from September 15 to March 31.	none	3
* ~~##~~ (SA8) Salmon River - Hammer Creek to Heller Bar ~~or Lewiston on the Snake River~~	15	35
* (SE1) Selway River - Paradise Campground to Selway Falls	none	4
(SE2) Selway River - Selway Falls to the mouth of the Selway River at Lowell. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5

(7-1-25)()

03. Licensable Waters – River Sections (SH1) Henry's Fork Snake River through (TE3) Teton River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford. (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	7
(SH2) Snake River, Henry's Fork - Mesa Falls to St. Anthony. Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing, no more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Stone Bridge, Stone Bridge to Ashton Dam, and Ashton Dam to Chester Dam, and Chester Dam to St. Anthony, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	8

River/Section	Maximum No. Power	Maximum No. Float
(SH3) Snake River, Henry's Fork - No more than three (3) boats for fishing may be used by an outfitter at any one (1) time in each of the following river sections: a) St. Anthony to Red Road Bridge Boat Access (i.e., Parker/Salem or Fort Henry) b) Red Road Bridge Boat Access to Warm Slough Boat Access c) Warm Slough Boat Access to Menan Boat Access No outfitter may have more than six (6) boats on the SH3 in any one (1) day. When permitted by the BLM and with the notification to and concurrence of the Board Executive Officer, each outfitter may be allowed adjustments to the maximum boat limits in order to accommodate non-fishing boating activities (e.g., canoeing, paddle boards, and kayaks) and hazardous excursions that are part of an outfitter's operating plan. These adjustments must be reviewed and approved annually. OGLB licenses are for the entire SH3 segment; a section of SH3 cannot be separated from SH3 for the purposes of selling a portion of an outfitter's business.	none	4

River/Section	Maximum No. Power	Maximum No. Float
(SS1) Snake River - South Fork - No more than four (4) boats per section/per day may be used by an outfitter at any one (1) time in each of the following river sections: a) Palisades Dam Boat Access to the Spring Creek Boat Access (Swan Valley Bridge) or Conant Boat Access. Exception: Not more than eight boats would be permitted between Spring Creek Boat Access and Conant Boat Access to allow for the flexibility to launch/ take-out boats. b) Spring Creek or Conant Boat Access to Fullmer Boat Access. Exception: Not more than eight (8) boats would be permitted in Section (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m. due to overnight use at designated outfitter camps. c) Fullmer Boat Access to Byington Boat Access. d) Byington Boat Access to Lorenzo Boat Access. e) Lorenzo Boat Access to Menan Boat Access. Additionally, no outfitter may have more than twelve (12) boats on the SS1 in any one day. A one-time per year exception after July 15 may be granted from Conant Boat Access to Byington Boat Access that would allow two (2) additional boats per section to accommodate large client groups. During this one-time exception, if the two (2) additional boats do not accommodate the large client group, additional boats must come from slots allocated to other outfitters. The maximum daily boat limit for SS1 may not be exceeded. This would require written concurrence from the BLM/USFS and the Board Executive Officer. Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor. OGLB licenses are for the entire SS1 segment; a section of SS1 cannot be separated from SS1 for the purposes of selling a portion of an outfitter's business.	None*	8**
* Each licensed float boat outfitter may use one (1) supply boat (float or power) that does not carry clients. During periods of preparing overnight camps (i.e., setting up tents and portable toilet facilities, boating in grills and other cooking supplies) for the season, usually May or June of each year; and removing the same items listed above from overnight camps at the end of the season, usually October or November; multiple supply boats may be used. ** One (1) license additional for waterfowl hunting covering both BLM and USFS managed lands and waters for the South Fork (Palisades Dam to Wolf Flats Boat Access may be issued. This license opportunity is in addition to the eight (8) float licenses and is limited to providing waterfowl hunting during waterfowl hunting season as defined by Idaho Fish and Game Rules and where no more than two (2) float or power boat boats per day per section a and b only can be used by the outfitter at any one time for that purpose. Fishing may not be provided or conducted unless the outfitter is also licensed and permitted as one (1) of the eight (8) outfitters addressed in this rule who may not provide hunting activities. This business opportunity may be sold separately.		

River/Section	Maximum No. Power	Maximum No. Float
(SN1) Snake River - For each license/permit issued, no more than four (4) boats per section/per day may be used by an outfitter at any one time in each of the following river sections: a) Menan Boat Access to Mike Walker Boat Access (includes Federally managed lands). b) Mike Walker Boat Access to Gem State Power Plant (includes non-Federal lands). Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor. OGLB licenses are for the entire SN1 segment; a section of SN1 cannot be separated from SN1 for the purposes of selling a portion of an outfitter's business.	3 outfitters either float or power or combination thereof	
(SN2) Snake River - Gem State Power Plant. Idaho Falls, downstream to headwaters of American Falls Reservoir. For each license/permit issued, no more than four (4) boats per section/per day may be used by any outfitter at any one time in each of the following river sections: a) Gem State Power Plant to Shelley/Firth b) Shelley/Firth to Porterville c) Porterville to Blackfoot (Boating limited, walk-wade if there is access) d) Blackfoot to Tilden Bridge e) Tilden Bridge to the headwaters of American Falls Reservoir No outfitter may have more than twelve (12) boats on the SN2 in any one day. OGLB licenses are for the entire SN2 segment; a section of SN2 cannot be separated from SN2 for the purposes of selling a portion of an outfitter's business.	3 outfitters either float or power or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
(SN3) Snake River - American Falls Dam to Massacre Rocks State Park. For each license/permit issued, no more than five (5) boats per section/per day may be used by any outfitter at any one time in each of the following river sections: a) American Falls Dam to Pipeline (includes federally and non- federally managed lands) b) Pipeline to Vista (includes federally and non- federally managed lands) c) Vista to Eagle Rock (includes non-federally managed lands) d) Eagle Rock to Massacre Rocks (includes non-federally managed lands) No outfitter may have more than ten (10) boats on the SN3 in any one day. Float boats may use motors (5HP or less) for downstream steerage only. Downstream steerage does not include holding or upstream travel of watercraft with a motor. Sturgeon Fishing: Pipeline to Massacre Rocks, no more than five (5) boats per section/per day may be used by any outfitter at any one time in each of the river sections between Pipeline to Massacre Rocks. American Falls Dam to Pipeline, one (1) boat within this section/two (2) weekdays per week/two (2) weekend days per month. Idaho Department of Fish and Game, Southeast Region (Pocatello) needs to be notified prior to Sturgeon Fishing. OGLB licenses are for the entire SN3 segment; a section of SN3 cannot be separated from SN3 for the purposes of selling a portion of an outfitter's business.	3 outfitters either float or power or combination thereof	
(SN4) Snake River - Massacre Rocks State Park to Milner Dam	3	3
* (SN5) Snake River - Milner Dam to Star Falls	none	3
* (SN6) Snake River - Star Falls to Twin Falls	none	5
(SN7) Snake River - Twin Falls to Lower Salmon Falls Dam	3	3
(SN8) Snake River - Lower Salmon Falls Dam to Bliss Dam	3	5
(SN9) Snake River - Bliss Dam to headwaters of C.J. Strike Reservoir	5	5
(SN10) Snake River - C.J. Strike Dam to Walter's Ferry	5 outfitters for either power or float or combination thereof	
(SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir	5	none
* (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing	18	15
* (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing, two (2) one-day float trips only	none	2
(SN14) Snake River - Pittsburg Landing to ~~Heller Bar~~ <u>near the Idaho/Washington State Line</u> near Lewiston	19	15

River/Section	Maximum No. Power	Maximum No. Float
(SN15) Snake River - Washington/Oregon state line to Lewiston	Limitations pending. (This section is set aside for future rules of fishing only outfitters.)	
(SJ1) St. Joe River - St. Joe River Headwaters to Red Ives. No outfitted boating. One (1) walk and wade only fishing outfitter.	none 2	none
(SJ2) St. Joe River - Red Ives to Avery. In addition to one (1) float boat license, three (3) walk and wade only outfitters. No fishing from float boats, boat clients may fish via walk and wade.	none	1
(SJ3) St. Joe River - Avery to St. Joe City Bridge	none	2
(SJ4) St. Joe River - St. Joe City Bridge to Lake Coeur d'Alene	2	none
(SM1) St. Maries River	5	5
(TE1) Teton River - Upper put-in to Cache Bridge, motors not to exceed 10 hp	5 outfitters for either power or float or combination thereof	
(TE2) Teton River - Cache Bridge to Harrop Bridge, motors not to exceed 10 hp	6 outfitters for either power or float or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
(TE3) Teton River - No more than two (2) boats per section/per day may be used by an outfitter at any one time in each of the following river sections: a), b), d), e) and f). No more than four (4) boats per section/per day may be used by an outfitter at any one time on river section c) and where two (2) boats from same outfitter must be spaced at three-hour (3) intervals: a) Harrop Bridge Boat Access to Felt Dam Boat Access. b) Felt Dam Boat Access to Spring Hollow Boat Access. c) Spring Hollow Boat Access to Teton Dam Site Boat Access. d) Teton Dam Site Boat Access to Hog Hollow Bridge Boat Access. e) Hog Hollow Bridge Boat Access to Teton Highway. f) Teton Highway to confluence with the Henry's Fork of the Snake River. Note: No boat access exists at the confluence with the Henry's Fork of the Snake River. Outfitters would utilize Hibbard Bridge or Warm Slough Access on SH3. No fishing on SH3. No outfitter may have more than eight (8) boats on the TE3 in any one day. Float boats may use motors not to exceed 10 hp in section a) (Harrop Bridge to Felt Dam Access) only. Float boats may use motors (5HP or less) for downstream steerage only in sections d), e) and f). Motors are not allowed in other sections. Downstream steerage does not include holding or upstream travel of watercraft with a motor. OGLB licenses are for the entire TE3 segment; a section of TE3 cannot be separated from TE3 for the purposes of selling a portion of an outfitter's business.	none	5

* Classified rivers

Floatboat and powerboat outfitters on these sections are considered within their area of operations when hiking from the river or fishing in tributaries away from the river but does not include overnight activities. Conflicts with land-based outfitters will be handled on a case-by-case basis. (4-6-23)()

04. Other -- Table. The following lakes and reservoirs or portions thereof that lie totally or partially within the state of Idaho are open to fishing by outfitters with the following limitations:

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Coeur d'Alene	8	2
Dworshak Reservoir	7	2
Henry's Lake	8	2
Island Park Reservoir	7	2
Magic Reservoir	3	2
Palisades Reservoir	10	2
Lake Pend Oreille	11	2

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Priest Lake	5	2
American Falls Reservoir	3	2
C.J. Strike Reservoir	4	2
Brownlee Reservoir	5	2
Oxbow Reservoir	3	2
Hells Canyon Reservoir	3	2

(7-1-25)

05. Other Lakes and Reservoirs. All other Idaho lakes and reservoirs are limited to two (2) fishing outfitters with a maximum of two (2) boats (float or power) per outfitter. (7-1-25)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)

DOCKET NO. 24-3930-2502

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 39-4107\(1\)](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

24.39.30 – Rules of Building Safety (Building Code Rules)
Wednesday, October 15, 2025 9:00 a.m. (MT) Attend via Webex: Link Meeting Number (Access Code): 2869 753 1020 Meeting password: eAGqXjPY553 Attend in person at: Division of Occupational and Professional Licenses Thunderbolt Room, Chinden Campus 11341 W. Chinden Blvd., Bldg. 4 Boise, ID 83714

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 rule would have the Idaho Building Code Board adopt the 2024 versions of the International Building Code (IBC); International Residential Code (IRC), and International Energy Conservation Code (IEC)—with exemptions as determined during the rulemaking process. Support for the currently adopted Building Code (IBC 2018) is being phased out including access to the tools and documentation that inspectors rely on to enforce the relevant codes.

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

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2025 Idaho Administrative Bulletin, [Vol. 25-8, Pages 173-174](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Division is proposing to incorporate by reference the most recent editions of the International Codes, with exceptions, as published by the International Code Council, into the Rules of Building Safety. Adopting the International Codes through incorporation by reference is necessary because directly reproducing the full text in the Idaho Administrative Code would be unduly cumbersome, expensive, and duplicative. The International Codes comprise hundreds of pages of technical standards and commentary, which are already widely available to professionals, enforcement agencies, and the public in standardized format. By incorporating these codes, the Division ensures uniform application of building and safety standards across the state, reduces the administrative burden of maintaining duplicative text, and facilitates compliance by contractors, inspectors, and design professionals.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 12th day of September, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714
Phone: (208) 577-2519
Email: kolby.reddish@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3930-2502
(Only Those Sections With Amendments Are Shown.)

24.39.30 – RULES OF BUILDING SAFETY (BUILDING CODE RULES)

600. IDAHO BUILDING CODES.

Pursuant to Sections 39-4109 and 39-4109A, Idaho Code, the Board adopts the following international codes with identified amendments: (7-1-24)

01. International Building Code. The ~~2018~~ 2024 Edition, including appendices pertaining to building accessibility, with the following amendments: (7-1-24)()

a. Delete Section 305.2.3 and replace with the following: 305.2.3 Twelve (12) or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (7-1-24)

i. Delete Section 308.2.4 and replace with the following: 308.2.4 Five (5) or fewer persons receiving custodial care. A facility with five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (7-1-24)

ii. Delete Section 308.3.2 and replace with the following: 308.3.2 Five (5) or fewer persons receiving

medical care. A facility with five (5) or fewer persons receiving medical care shall be classified as a Group R-3 occupancy. (7-1-24)

iii. Delete Section 308.5.4 and replace with the following: 308.5.4 Persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (7-1-24)

b. Section 310.4: Add the following: “Dwelling units providing day care for twelve (12) or fewer children”. (7-1-24)

c. Section 310.4.1. Delete and replace with the following: 310.4.1 Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving personal care or custodial care that are within a one- or two-family dwelling are permitted to comply with the International Residential Code. (7-1-24)

d. Add new Section 602.1.2: 602.1.2 Alternative provisions. As an alternative to the construction types defined in Sections 602.2 through 602.5, buildings and structures erected or to be erected, altered, or extended in height or area may be classified as construction type IV-A, IV-B, or IV-C in accordance with the provisions adopted in Paragraph 004.01.b of these rules. Buildings and structures classified as construction type IV-A, IV-B, or IV-C shall comply with the provisions adopted in Paragraph 004.01.h of these rules and all other applicable provisions of this code. (7-1-24)

e. Table 2902.1 Minimum Number of Required Plumbing Fixtures. Delete footnote e and replace with the following: e For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (7-1-24)

f. Table 2902.1 Minimum Number of Required Plumbing Fixtures. Delete footnote f and replace with the following: f Drinking fountains are not required for an occupant load of thirty (30) or fewer. (7-1-24)

g. Section 3113 Relocatable Buildings. Delete. (7-1-24)

~~02. International Building Code, 2021 Edition. The following provisions of the 2021 Edition related to mass timber construction: (7-1-24)~~

~~a. In Section 202, the definitions of the terms MASS TIMBER; NONCOMBUSTIBLE PROTECTION (FOR MASS TIMBER); SECONDARY STRUCTURAL MEMBERS; and WALL, LOAD BEARING; (7-1-24)~~

~~b. Sections 403.3.2, 508.4.4.1, 509.4.1.1, 602.4 through 602.4.3.6, 703.6, 703.7, 704.4, 722.7 through 722.7.2.2, 1705.5.3, 1705.20, 2304.10.1, 3313.1 through 3313.3.3, 3313.5, and 3314.1; (7-1-24)~~

~~c. Tables 504.3, 504.4, 506.2, 601, 705.5, 722.7.1(1), 722.7.1(2), and 1705.5.3, including any note following each table adopted in this subparagraph; and (7-1-24)~~

~~d. In Chapter 35, the referenced standards ANSI/APA PRG 320—2019: Standard for Performance-rated Cross laminated Timber, referenced in Sections 602.4 and 2303.1.4, and ASTM D3498—03(2011): Standard Specification for Adhesives for Field Gluing Plywood to Lumber Framing for Floor Systems, referenced in Section 703.7. (7-1-24)~~

~~032. International Residential Code, 2018 2024 Edition. Parts I, II, III, and IX of the 2018 2024 Edition for one (1)- and two (2)- family dwellings, with the following amendments: (7-1-24) ()~~

a. Section R101.2 Scope. Delete the exception and replace with the following: Exception: The following shall also be permitted to be constructed in accordance with this code: 1. Owner-occupied lodging houses with five (5) or fewer guestrooms and ten (10) or fewer total occupants. 2. A care facility with five (5) or fewer persons receiving custodial care within a dwelling unit or single-family dwelling. 3. A care facility for five (5) or

fewer persons receiving personal care that are within a dwelling unit or single-family dwelling. 4. A care facility with twelve (12) or fewer children receiving day care within a dwelling unit or single-family dwelling. (7-1-24)

b. Section R105.2. Amend Item number 7 under the “Building” subheading Replace the words “24 inches (610 mm)” with “four (4) feet (1219 mm)” (7-1-24)

c. Section R105.2. Add the following exemption under the “Building” subheading: 11. Flag poles. (7-1-24)

d. Section R301.2.1.2 Protection of Openings. Delete. (7-1-24)

e. Table R302.1(1). Delete and replace with the following:

TABLE R302.1(1) - EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour-tested in accordance with ASTM E 119, UL263, or Section 703.32.2 of the International Building Code with exposure from both sides	< 30 feet
	Not fire-resistance rated	0 hours	≥ 35 feet
Projections	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire retardant-treated wood ^{a,b}	≥ 2 feet to < 35 feet
	Not fire-resistance rated	0 hours	≥ 35 feet
Openings in Walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	≥ 3 feet to < 5 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable

^aThe fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

^bThe fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the rake overhang where gable vent openings are not installed. (7-1-24)()

f. Delete Table R302.6 Dwelling-Garage Separation and replace with the following table:

Separation	Material
~~From the residence, attics, and habitable rooms above the garage~~ From the dwelling unit and attics, and portions of the dwelling unit above the garage	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of exterior walls that are within this area

(7-1-24)()

g. Section R302.13 Fire protection of floors. Delete. (7-1-24)

~~h. Section R303.4. Delete and replace with the following: Mechanical Ventilation. Dwelling units shall be provided with whole-house mechanical ventilation in accordance with Section M1505.4. (7-1-24)~~

~~ih.~~ Section R~~313.1~~309.1 Townhouse automatic fire sprinkler systems. Delete the exception and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where either two (2) one (1)-hour fire-resistance-rated walls or a common two (2)-hour fire-resistance rated wall, as specified in item number 2 of Section R302.2.2 is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (7-1-24)()

~~j. Section R313.2 One- and two-family dwellings automatic fire sprinkler systems. Delete. (7-1-24)~~

~~k. Section R314.2.2 Alterations, repairs and additions Exception Item #2. Delete. (7-1-24)~~

~~l. Section R315.2.2 Alterations, repairs and additions Exception Item #2. Delete. (7-1-24)~~

~~m. Section R322.1.10 As-built elevation documentation. Delete. (7-1-24)~~

~~ni.~~ Tables R403 Minimum Depth (D) and Width (W) of Crushed Stone Footings (inches), R403.1(1) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction (inches), R403.1(2) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction and Brick Veneer (inches), and R403.1(3) Minimum Width and Thickness for Concrete Footings with Cast-In-Place or Fully Grouted Masonry Wall Construction (inches). Delete. (7-1-24)

~~oj.~~ Add the following as Table R403.1: (7-1-24)

TABLE R403.1
MINIMUM WIDTH OF CONCRETE, PRECAST, OR MASONRY FOOTINGS (inches)^a

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
Conventional light-frame construction				
1-Story	12	12	12	12
2-Story	15	12	12	12
3-Story	23	17	12	12

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	≥ 4,000
4-inch brick veneer over light frame or 8-inch hollow concrete masonry				
1-Story	12	12	12	12
2-Story	21	16	12	12
3-Story	32	24	16	12
8-inch solid or fully grouted masonry				
1-Story	16	12	12	12
2-Story	29	21	14	12
3-Story	42	32	21	16

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kPa.

^aWhere minimum footing width is twelve (12) inches, use of a single wythe of solid or fully grouted twelve (12)-inch nominal concrete masonry units is permitted. (7-1-24)

pk. Section R403.1.1. Delete and replace with the following: R403.1.1 Minimum size. Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width (W) shall be based on the load bearing value of the soil in accordance with Table R401.4.1. Spread footings shall be at least six (6) inches in thickness (T). Footing projections (P) shall be at least two (2) inches and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2 and Figures R403.1(2) and R403.1(3). (7-1-24)

ql. Section R602.10. Delete and replace with the following: Buildings shall be braced in accordance with this Section or, when applicable Section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this Section, those portions shall be designed and constructed in accordance with Section R301.1. (7-1-24)

043. International Existing Building Code. ~~2018~~ 2024 Edition. (7-1-24)()

054. International Energy Conservation Code – Commercial Provisions. The ~~2018~~ 2024 Edition with the following amendments: (7-1-24)()

a. Add new Section C101.54.2: ~~C101.5.2~~ Industrial, electronic, and manufacturing equipment. Buildings or portions thereof that are heated or cooled exclusively to maintain the required operating temperature of industrial, electronic, or manufacturing equipment shall be exempt from the provisions of this code. Such buildings or portions thereof shall be separated from connected conditioned space by building thermal envelope assemblies complying with this code. (7-1-24)()

b. Add the following Exemptions to section C402.1.1: (7-1-24)

i. Exemption ~~41~~. Accessory utility and storage buildings and sports practice buildings accessory to A, B, and E occupancies where buildings maintain no heating or cooling or where intermittent heating and cooling systems are installed. (7-1-24)()

ii. Exemption ~~52~~. Buildings for domestic water wells, irrigation wells, sewer pump facilities, and sewer lift station buildings where equipment produces internal heat loads and where intermittent heating or cooling is provided to prevent freezing or overheating of equipment. (7-1-24)()

c. Add the following as exceptions ~~s-number 7 under to~~ Section C403.5 Economizers (Prescriptive): ~~78~~. (7-1-24)()

Unusual outdoor air contaminate conditions – Systems where special outside air filtration and treatment for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible. (7-1-24)()

065. International Energy Conservation Code – Residential Provisions. The ~~2018~~ 2024 Edition with the following amendments: (7-1-24)()

a. R202 General Definitions. Add the following to the definition of “Conditioned Space”: This definition shall not apply to garage spaces or other similar spaces where heating or cooling is installed for frost protection or intermittent use. (7-1-24)

b. Table R402.1.2³ Insulation and Fenestration Requirements by Component. Delete the rows in climate zones “5 and Marine 4” and “6” and replace with the following:

TABLE R402.1.2³ INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a										
Climate Zone	Fenestration U- Factor^b	Skylight U-factor^b	Glazed Fenestration SHGC^{b, c}	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Valueⁱ	Floor R-Value	Basement^c Wall R-Value	Slab^d R-Value & Depth	Crawlspace^c Wall R-Value
5	0.32	0.55	NR	38	20 or 13+5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.30	0.55	NR	49	22 or 13+5 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19

(7-1-24)()

c. Table R402.1.2 - Insulation and Fenestration Requirements by Component. Add the following as footnote k to the Table title: k. For residential log home building thermal envelope construction requirements see Section R402.6. (7-1-24)

d. Table R402.1.4 Equivalent U-Factors. Delete the rows in climate zones “5 and Marine 4” and “6” and replace with the following:

TABLE R402.1.4 EQUIVALENT U-FACTORS^a								
Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling U-factor	Frame Wall U-factor	Mass Wall U-factor^b	Floor U-factor	Basement Wall U-factor	Crawlspace Wall U-factor
5	0.32	0.55	0.030	0.060	0.082	0.033	0.050	0.055
6	0.30	0.55	0.026	0.057	0.060	0.033	0.050	0.055

(7-1-24)

e. Section R402.4.1.2. Add the following exception: Visual Inspection. The Permit Holder will determine at the time of permit application the method of determining building envelope tightness. A visual inspection shall be considered acceptable in lieu of testing when the items listed ~~in Table R402.4.1.1 below,~~ applicable to the method of construction, are field verified. (7-1-24)()

i. Access doors and covers shall be gasketed to allow for repeated entrance. ()

- ii. Framing spaces between windows, doors and skylights shall be sealed. ()
- iii. Recessed light fixtures shall be sealed to drywall or interior air barrier. ()
- iv. HVAC registers and boots shall be sealed to subfloor, walls, or ceilings. ()
- v. Interior joints of top plates shall be sealed. ()
- vi. Narrow cavities (less than one inch) are sealed when not insulated. ()
- vii. Holes created by electrical and plumbing shall be sealed. ()
- viii. Penetrations through the exterior air barrier shall be sealed. ()
- ix. Joints in sill plate shall be sealed during subfloor assembly. ()

f. Add new Section R402.67: R402.67 Residential log home thermal envelope. Residential log home construction shall comply with Section R401 (General), Section R402.45 (Air leakage), Section R402.56 (Maximum fenestration U-factor and SHGC), Section R403.1 (Controls), the mandatory sections of Sections R403.3 through R403.9, Section R404 (Electrical Power and Lighting Systems), and either 1., 2., or 3. as follows: 1. Sections R402.2 through R402.3, Section R403.3.1 (Insulation), Section R404.1 (~~Lightning~~ Lighting equipment), and Table R402.67 (Log Home Prescriptive Thermal Envelope Requirements by Component). 2. Section R405 (Simulated Performance Alternative). 3. REScheck (U.S. Department of Energy Building Codes Program). (7-1-24)()

g. Add new Table R402.67:

TABLE R402.67 LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT									
For SI: 1 foot = 304.8 mm.									
Climate Zone	Fenestration U-factor ^a	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value ^d	Slab R-value & Depth ^b	Crawl Space Wall R-value ^d
5, 6 - High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
^a The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration. ^b R-5 shall be added to the required slab edge R-values for heated slabs. ^c 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path). ^d "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.									

TABLE R402.6Z
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT

For SI: 1 foot = 304.8 mm.

Climate Zone	Fenestration U-factor ^a	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value ^d	Slab R-value & Depth ^b	Crawl Space Wall R-value ^d
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

^aThe fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

^bR-5 shall be added to the required slab edge R-values for heated slabs.

^c90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).

^d"15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(7-1-24)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.41.01 – RULES OF THE LONG-TERM CARE ADMINISTRATORS BOARD

DOCKET NO. 24-4101-2501 (NEW CHAPTER)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Sections 54-1605\(2\)](#) and (4), 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 15, 2025.

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:

[2025 HB 28](#) merged two previous Boards within DOPL into the new Board of Long-Term Care Administrators. This rulemaking will merge the substance of the predecessor Boards' rules, approved by the Legislature in 2025, into a new chapter of rules for the merged Board. As such, the chapters of 24.09.01 and 24.19.01 are consolidated into what is proposed to be entitled IDAPA 24.41.01 – Rules of the Long-Term Care Administrators Board.

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

[Section 54-1605\(2\)](#), Idaho Code, requires the Board to establish fees in rule, not to exceed \$400. This rule chapter is the initial rule chapter for the Board which came into existence on July 1, 2025. All fees, which have not been increased or modified by the merger of these rules chapters, are subject to [Chapter 16, Title 54](#), Idaho Code.

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

No fiscal impact on the state General Fund will occur as a result of these changes.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules -Negotiated Rulemaking was published in the August 6, 2025 Idaho Administrative Bulletin [Vol. 25-8, Pages 175-176](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kolby Reddish, Chief Legal Counsel, at (208) 577-2519.

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, 22, 2025.

DATED this 28th day of August, 2025.

Kolby K. Reddish
Chief Legal Counsel
11341 W. Chinden Blvd., Bldg. 4
Boise, ID 83714
Phone: (208) 577-2519
Email: kolby.reddish@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-4101-2501
(New Chapter)

24.41.01 – RULES OF THE BOARD OF LONG-TERM CARE ADMINISTRATORS

000. LEGAL AUTHORITY.

Section 54-1604, Idaho Code. ()

001. SCOPE.

These rules govern the practice of long-term care facility administration in Idaho. ()

002. INCORPORATION BY REFERENCE.

The document titled “ACHCA Code of Ethics,” published by the American College of Health Care Administrators (ACHCA), current as of May, 2024, is herein adopted and incorporated by reference and is available from the Board’s office and on the Board web site, as well as at: https://achca.memberclicks.net/assets/code%20of%20ethics_achca%20non-member_140430.pdf. ()

003. DEFINITIONS.

01. Long-Term Care Administrator. Residential Facility Administrators and Nursing Home Administrators licensed under Title 54 Chapter 16, Idaho Code. ()

004. – 099. (RESERVED)

100. LICENSURE.

01. Application. Applications must be submitted on forms approved by the Board. No application will be considered for any action unless accompanied by the appropriate fees and all required supporting documentation. Supporting documentation may include, but is not limited to, educational transcripts, proof of training or credentials, and examination results. ()

02. Common Licensure Requirements. To be granted a license as either a Residential Care Facility Administrator or a Nursing Home Administrator as set forth in Section 54-1606, Idaho Code, an applicant must: ()

a. Pass the applicable NAB examination(s) or another examination approved by the Board; ()

b. Document completion of a Board-approved specialized course of study relevant to the type of license sought; and ()

c. If applicable, submit a written statement and supporting documentation regarding any past professional discipline or convictions. Disciplinary history includes license actions in any state, territory, or country. Conviction history includes felony convictions or other offenses affecting fitness to practice, as outlined in Section 67-9411, Idaho Code. ()

03. Residential Care Facility Administrator Licensure. In addition to the common requirements listed in Subsection 100.02, an applicant for a Residential Care Facility Administrator license must: ()

a. Submit documentation of a completed criminal background check from the Idaho Department of Health and Welfare. The applicant must obtain and include the results; the Board does not submit fingerprint cards on behalf of applicants; and ()

b. Complete the Certification Program for Residential Care Facility Administrators administered by the Idaho Health Care Association (IHCA), or an equivalent course approved by the Board. ()

c. However, an individual holding a current Idaho Nursing Home Administrator license may qualify for a Residential Care Administrator license by passing the Board-approved residential care examination. This exam requirement may be waived if the applicant provides satisfactory evidence of at least one (1) year of leadership or management experience in a residential care or nursing home facility within the five (5) years preceding the application. ()

04. Nursing Home Administrator Licensure. In addition to the common requirements listed in Subsection 100.02, an applicant for a Nursing Home Administrator license must: ()

a. Pass both the NAB Core and Nursing Home Administrators Line of Service exams, or other examination as approved by the Board; and ()

b. Demonstrate completion of a specialized course of study in nursing home long-term health care administration approved by the Board. ()

05. Nursing Home Administrator-in-Training. ()

a. Trainees must work full time in an Idaho-licensed nursing home. "Full time" means at least thirty-two (32) hours per week, allowing for normal leave. ()

b. Trainees shall submit with their application a declaration signed by the supervising Nursing Home Administrator who shall serve as the preceptor. This declaration shall certify that the supervising administrator has licensure in good standing with the State of Idaho and two (2) or more years of consecutive employment as a nursing home administrator. ()

c. Training must include experience in all four (4) domains of nursing home administration: ()

i. Care, services, and supports; ()

ii. Operations; ()

iii. Environment and quality; and ()

iv. Leadership and strategy. ()

d. Trainees must spend no less than thirty-two (32) hours per month directly with the preceptor, in addition to full-time work hours, unless serving in a full-time designated trainee role. Reports must be submitted after every five hundred (500) hours of training, reflecting instruction in all domains. ()

06. Administrator Designee Qualification. To practice as an Administrator Designee, an individual must: ()

a. Provide proof of at least one (1) year of management experience in a skilled nursing facility; and ()

b. Submit an agreement signed by an Idaho-licensed Nursing Home Administrator, in good standing, who will serve as a consultant to assist the designee in the administration of the facility. ()

07. Health Services Executive. Any applicant holding a Health Services Executive credential issued by NAB has met all educational and training requirements for licensure of either profession in Idaho. ()

101. – 103. (RESERVED)

104. CONTINUING EDUCATION REQUIREMENTS.

01. Educational Requirements. In order to qualify as continuing education, a seminar or course of study must be sponsored by an accredited university or college, State or National health related associations, and/or approved by NCERS (National Continuing Education Review Service), or as otherwise approved by the Board.

()

02. Renewal of License. Applicants for renewal of license are required to complete, in a twenty-four (24) month renewal cycle, twelve (12) job-related continuing education hours relevant to long-term care administration.

()

03. Waiver. The Board may waive the requirements of this rule for reasons of individual hardship including health or other good cause. The licensee shall request the waiver in advance of renewal and will provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board.

()

105. – 299. (RESERVED)

300. DISCIPLINE.

01. Costs and Fees. The Board may order a licensed long-term care administrator to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of any section of the practice act or these rules, as set forth in Section 54-1615(1), Idaho Code.

()

301. – 399. (RESERVED)

400. FEES.

The following annual fees may be aggregated for biennial licensure.

FEE	AMOUNT (Not to Exceed)
Original Application	\$200
License	\$400
Biennial Renewal	\$400
Endorsement Application	\$200
Administrator-in-Training	\$200
Provisional Permit	\$200
Reinstatement	As provided in Section 67-2614, Idaho Code

()

401. – 999. (RESERVED)

IDAPA 28 – DEPARTMENT OF COMMERCE
28.02.03 – DEPARTMENT OF COMMERCE GRANT PROGRAM RULES
DOCKET NO. 28-0203-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 67-4733](#) and [67-4744](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Friday, October 10th, 1:00 p.m., 2025 MT
In person: Idaho Department of Commerce JRW Building 700 W State St. Floor 2 Boise, ID 83702 Clearwater Conference Room
For virtual meeting accommodation please email: Ewa.Szewczyk@commerce.idaho.gov

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:

These rules are being presented for approval as part of the department’s plan to review each rule every 5 years. Amendments were identified by the agency and presented to stakeholders and are consistent with the Governor’s [Zero-based Regulation Executive Order](#). Primary rulemaking objectives are removing items repealed by statute, improving definitions to align programs, and removing redundant language already in statute.

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

There are no fees or charges imposed or increased as a result of this rulemaking.

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

No fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 2, 2025, Idaho Administrative Bulletin, [Volume 25-7, p 126-127](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

CDBG handbook was removed from administrative rules and added as an incorporation by reference for clarity and to remove redundant language.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ewa Szewczyk 208-287-0784.

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 22, 2025.

DATED this 29th day of August, 2025.

Ewa Szewczyk
Grants & Contracts Manager
Idaho Commerce
700 W State St.
Boise, ID 83702
(208) 334-2470
ewa.szewczyk@commerce.idaho.gov
commerce.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 28-0203-2501
(ZBR Chapter Rewrite.)

28.02.03 – DEPARTMENT OF COMMERCE GRANT PROGRAM RULES

000. LEGAL AUTHORITY.

~~These rules have been adopted pursuant to~~ Sections 67-4702, 67-4703, 67-4715, 67-4717, 67-4718, and 67-4733, Idaho Code. (3-31-22)()

001. ~~TITLE AND~~ SCOPE.

~~01. Title.~~ These rules are titled IDAPA 28.02.03, “Department of Commerce Grant Program Rules.” (3-31-22)

~~02. Scope.~~ These rules implement the following Department of Commerce grant programs: 1) Idaho Regional Travel and Convention Grant Program; 2) Idaho Gem Grant Program; 3) Rural Community Investment Fund; 4) IGEM Grant Program; 5) Idaho Opportunity Fund; and 6) Idaho Community Development Block Grant Program. (3-31-22)()

002. INCORPORATION BY REFERENCE.

The Department of Commerce adopts and incorporates by reference the following document(s): ()

01. Housing and Community Development Act of 1974: Title I; sections 210 and 213; title VI; and sections 802, 809, 817, and 819 [Public Law 93–383; 88 Stat. 633; 42 U.S.C. 5301 et seq.][As Amended Through Public Law 113–287, December 19, 2014]. Available here: <https://www.govinfo.gov/content/pkg/COMPS-10382/pdf/COMPS-10382.pdf>. ()

003. REFERENCED MATERIAL.

01. 24 CFR Part 570. This source document originally published in 40 FR 24693, June 9, 1975, and

the most current version is available here: <https://www.ecfr.gov/current/title-24/part-570>. ()

02. Annual Action Plan. As rules for the administration of the Idaho Community Development Block Grant (CDBG), the most current version of this material is available on the department's website here: <https://commerce.idaho.gov/communities/community-grants/community-development-block-grant-cdbg/>. ()

0024. -- 009. (RESERVED)

010. DEFINITIONS.

01. Department. The Idaho Department of Commerce as set forth in Section 67-4701, Idaho Code. (3-31-22)

021. Program Guidelines. Department of Commerce grant programs are administered in accordance with applicable federal and state statutes, these rules, grant resources available on the Department's website, and written grant agreements entered into between the successful applicant and the Department. Collectively these laws, rules, handbooks, grant resources, and grant agreements are referred to as "program guidelines" throughout these rules and each may be enforced by the Department. (3-31-22)()

011. -- 049. (RESERVED)

SUBCHAPTER A – GENERAL GRANT PROGRAM REQUIREMENTS

050. GENERAL GRANT PROGRAM REQUIREMENTS.

01. Application Procedure. All applicants must meet eligibility requirements specified in program guidelines. Eligible applicants must submit a completed application to the Department and meet the requirements specified in program guidelines prior to the application deadline specified therein. (3-31-22)

02. Review of Applications. Unless otherwise specified, all grants will be reviewed, ranked, and selected by the Department and relevant council members if applicable, in accordance with selection criteria specified in program guidelines. All applicants will be notified of their application status in a reasonable timeframe after the application deadline. (3-31-22)

03. Grant Agreement. All applicants selected for funding must enter into a written grant agreement with the Department. The grant will take effect upon the date of award specified in the grant agreement and grant monies cannot be expended until that date. (3-31-22)

04. Amendments to Grant Agreements. Extensions and amendments to grant agreements are only permitted if agreed to in writing and approved by the Department or applicable council members. (3-31-22)

05. Grant Acknowledgment. If required, projects funded by the Department must acknowledge said program as outlined in the program guidelines. (3-31-22)

06. Reporting Requirements. As specified in program guidelines, the grantee must provide regular progress reports to the Department to demonstrate progress toward planned outcomes, as well as a final report demonstrating the outcomes achieved. (3-31-22)

07. Termination of Funding. The grantee may only use the grant funds in accordance with program guidelines. If at any time the Department becomes aware of a grantee's noncompliance with program guidelines, or inappropriate or illegal use of grant funds, the Department may terminate the agreement. The Department may require an audit of grant funds. The Department may further terminate a grant if the project loses viability or is unlikely to meet the intent of the original application. (3-31-22)

08. Limitation on Use of Funds. Program guidelines detail ineligible uses of funds. In addition, funds cannot be used as follows: (3-31-22)

a. Political activities. For political purposes or to engage in lobbying or other partisan political activities. (3-31-22)

b. Religious activities. For the construction, rehabilitation or operation of active churches or religious structures used for religious purposes. (3-31-22)

c. Conflict of interest. If at any time the Department and/or any council member(s) becomes aware of an apparent or potential conflict of interest between a grantee and a private entity which may influence grant funds, the Department may request a meeting with the grantee's representatives. The Department may, at that meeting, terminate the grant if an inappropriate conflict of interest is found. (3-31-22)

09. Rural Community. Communities that are generally less than twenty-five thousand (25,000) in population. (3-31-22)

10. Cost Reimbursable. Department grants are cost reimbursable. Grant payment procedures will be established in the program guidelines. The Department will reimburse allowable costs up to the maximum grant amount for which both receipts and matching funds documentation have been provided. The grantee is responsible for any discrepancies in documentation. (3-31-22)

051. -- 099. (RESERVED)

100. IDAHO REGIONAL TRAVEL AND CONVENTION GRANT PROGRAM.

01. Program Intent. The intent of this program is to provide grant funds to non-profit, incorporated organizations which have in place a viable travel or convention promotion program, or both, in their area of operation. Preference is given to programs with a primary focus of promoting overnight visitation in Idaho. Funds may be used for tourism marketing which has a positive economic impact to the state of Idaho including, but not limited to, the promotion of accommodations, recreational areas, events, conferences, food and beverage, tourism services, culture, attractions, and transportation. (3-31-22)

02. Eligible Applicants. Non-profit entities with a focus on tourism. Entities must provide proof of non-profit status including: State of Idaho Certificate of Incorporation, Articles of Incorporation from the Secretary of State, or a letter of determination from the Internal Revenue Service, and Notice of Employer Identification Number assigned by the Internal Revenue Service. (3-31-22)

03. Review of Applications. The Idaho Travel Council will review applications in accordance with selection criteria specified in program guidelines. (3-31-22)

04. Matching Funds. This grant requires a cash match of twelve and one-half percent (12.5%) of the amount awarded, with further requirements specified in program guidelines. (3-31-22)

05. Distribution of Funds. The Department will reimburse funds to the grantee upon submission and review of complete documentation of funds expended. (3-31-22)

06. Eligible Expenses. (3-31-22)

a. Program intent. Eligible projects under the Regional Travel and Convention Grant Program must be consistent with the legislative declaration of policy in Title 67, Chapter 47, Idaho Code, and the program intent. Programs that are eligible for consideration must fall under the basic definition of travel or convention promotion. (3-31-22)

b. Administrative expense. The following administrative and overhead costs are allowable: (3-31-22)

i. Wages and benefits. Wages and benefits of one (1) designated grant administrator for time directly related to the task of grant administration. Other employee wages and benefits incurred in the execution of the grant program may be used as cash match with documentation. (3-31-22)

ii. Overhead. Reasonable, apportioned overhead costs of the grantee organization required to execute the grant program must be approved by the Idaho Travel Council. The Department will recommend preferred apportionment methods. (3-31-22)

07. Ineligible Expenses. Unless specified otherwise in the program guidelines, this grant program will not fund: (3-31-22)

a. The day-to-day, administrative expenses of organizations that have a travel or convention promotion element; (3-31-22)

b. Projects that have alternative funding sources (for example, regular Chamber of Commerce budgets) or that have been funded previously with the agency's own funds; or (3-31-22)

c. The promotion of local events; or (3-31-22)

d. No expenses related to grant writing, or grant application are eligible. (3-31-22)

08. Audit Requirement. Grantees who receive one hundred thousand dollars (\$100,000) or more in grant funds will have an audit performed by a Certified Public Accountant and submitted to the Department within sixty (60) days following the close of the grant cycle. (3-31-22)

101. -- 149. (RESERVED)

150. IDAHO GEM GRANT (IGG) PROGRAM.

01. Program Intent. The intent of this program is to fund community development projects of rural communities for the purpose of improving the local economy, retaining or creating jobs, promoting the community for economic development and tourism, and assisting business expansion and diversification. (3-31-22)

02. Eligible Applicants. Idaho rural communities ~~under ten thousand (10,000) persons~~ and other Idaho rural communities at the discretion of the Director of the Department of Commerce are eligible to apply for IGGs up to a maximum of ~~fifty one hundred~~ thousand dollars (\$~~50~~100,000). IGGs to city and county governments may be administered by their designees as established by formally adopted resolutions. ~~(3-31-22)~~()

03. Review of Applications. The Department's Director, in his sole discretion, makes all IGG awards. The Director may make grant awards at any time the Director determines it necessary to take advantage of special opportunities that further the primary objectives of the IGG Program. (3-31-22)

04. Matching Funds. This grant ~~may~~ requires a minimum of twenty percent (20%) matching funds of either cash or in-kind donations for the total amount of IGG funds received. Matching funds can be comprised of any combination of cash and in-kind donations and must meet conditions specified in the program guidelines. ~~(3-31-22)~~()

05. Distribution of Funds. Grantees receive payment of IGG funds on a cost reimbursement basis. Grant payment procedures will be established in the program guidelines. The Department will reimburse allowable costs up to the maximum grant amount for which both receipts and matching funds documentation have been provided. The grantee is responsible for any discrepancies in documentation. (3-31-22)

06. Eligible Expenses. Eligible expenses are specified in program guidelines. (3-31-22)

07. Ineligible Expenses. Funds may not be used for: (3-31-22)

a. Payroll costs for city, county, development corporation or other community agencies. (3-31-22)

b. Real property acquisition. Construction, rehabilitation, or operation of schools, general government facilities, jails or state facilities. (3-31-22)

c. Administrative costs. Expenses related to administering the grant will not be reimbursable to the grantee from grant funds. (3-31-22)

~~08. Bid Process. Grantees must contact a minimum of three (3) vendors for quotes or bids for the purchase of goods or services over twenty-five thousand dollars (\$25,000). Prior to reimbursement for such costs, the following information must be submitted to the Department: (3-31-22)~~

~~a. Item or service purchased. A detailed description of the item or service purchased or to be purchased. (3-31-22)~~

~~b. Bid verification. Written documentation of three (3) or more businesses or vendors contacted by IGG grantees for bids or quotes listing the businesses or vendors contacted and indicating their response, and a list of all businesses or vendors contacted whether or not a response was received. (3-31-22)~~

~~c. Reasons for selection. Grantees justification for the business or vendor selected. (3-31-22)~~

151. -- 199. (RESERVED)

200. RURAL COMMUNITY INVESTMENT FUND (RCIF).

01. Program Intent. This grant provides funds to rural areas in support of economic expansion and job creation, as defined per the program guideline which includes the RCIF Grant Application and Manual. (3-31-22)

02. Eligible Applicants. Applicants for the Idaho Rural Community Block Grants are as follows: (3-31-22)

a. City applicants. Rural cities are those generally less than twenty-five thousand (25,000) in population. Cities contiguous to large cities are not eligible to apply. (3-31-22)

b. County applicants. Counties with less than twenty-five thousand (25,000) population. However, any county may apply for unincorporated communities closely connected to non-metro or rural communities. (3-31-22)()

c. Indian tribes located in Idaho may apply if the project site is located on reservation land and within a community of less than twenty-five thousand (25,000) population. (3-31-22)

03. Review of Applications. Presentations must be made by key elected officials of the applicant to the Department's Economic Advisory Committee (EAC) on the need for the project, the local commitment to the project, the economic impact of the project on the community, and any additional information that should be given special consideration. Applications will be reviewed and ranked on criteria specified in the RCIF Grant Application and Manual. The EAC may recommend standby projects to be funded if enough funds become available at a later time. (3-31-22)

04. Eligible Expenses. Eligible expenses are specified in the RCIF Grant Application and Manual. (3-31-22)

05. Ineligible Expenses. Any activity not authorized in the RCIF Grant Application and manual is ineligible to receive RCBG funds, including: (3-31-22)

a. General conduct of government. Assistance to buildings, or portions thereof, used predominantly for the general conduct of government. Such buildings include, but are not limited to, city halls, courthouses, jails, police stations, state or local government office buildings, and other building used for general government administration affairs. Also ineligible are school buildings, school administration offices, and university and college vocational-technology facilities. (3-31-22)

b. Local government expenses. Expenses to carry out the regular responsibilities of the unit of general local government are not eligible for assistance with RCIF. (3-31-22)

c. Equipment. The purchase of equipment, fixtures, motor vehicles, furnishings or other personal property, which is not an integral structural fixture, is generally ineligible. (3-31-22)

d. Operating and maintenance expenses. (3-31-22)

201. --249. (RESERVED)

250. IDAHO GLOBAL ENTREPRENEURIAL MISSION (IGEM) GRANT PROGRAM.

01. Program Intent. The IGEM Grant Program funds commercialization grants supporting University and industry research partnerships for the purpose of enhancing technology transfer and commercialization of research and technologies developed at the Universities to create high-quality jobs and new industries in the private sector in Idaho. (3-31-22)

02. Eligible Applicants. Idaho's public research universities: Boise State University, Idaho State University, and University of Idaho. (3-31-22)

03. Industry Partner. A domestic or foreign entity that designs, produces, or sells goods or services or that contractually agrees to undertake such acts in connection with the technologies licensed or otherwise transferred to the entity by a University, and that is partnered with an Eligible Applicant. (3-31-22)

04. Review of Applications. In selecting IGEM awards, the IGEM Council will give greater weight to proposals that partner with Idaho-based entities. (3-31-22)

05. Matching Funds. This grant requires a monetary or in-kind contribution from the industry partner as outlined in program guidelines. (3-31-22)

06. Commercialization Revenue. Revenue generated through the commercialization of university intellectual property rights in a work authored or an invention conceived or first reduced to practice in the performance of an IGEM grant award are distributed as outlined in Section 67-4731, Idaho Code. (3-31-22)

251.— 299. (RESERVED)

300. IDAHO OPPORTUNITY FUND.

01. Program Intent. The Idaho Opportunity Fund provides funding for public costs incurred with the purpose to retain, expand or attract jobs, which include: (3-31-22)

a. Construction of or improvements to new or existing water, sewer, gas or electric utility systems for new or existing buildings to be used for industrial or commercial operations; (3-31-22)

b. Flood zone or environmental hazard mitigation; or (3-31-22)

c. Construction, upgrade or renovation of other infrastructure related items including, but not limited to, railroads, broadband, parking lots, roads or other public costs that are directly related to specific job creation or expansion projects. (3-31-22)

02. Review of Applications. The Director of the Department may, in his sole discretion, award Opportunity Fund grants to local governments in accordance with program guidelines. (3-31-22)

03. Matching Funds. This grant requires an allowable local match. Allowable match includes those costs which are allowable within the Opportunity Fund and are provided by the local government as cash, in-kind services, fee waivers (such as development impact fees), donation of assets, the provision of infrastructure or a combination thereof. The match must represent a material commitment from the local government that is commensurate with the local government's financial condition. The Director of the Department has the authority to approve other forms of local match or waive the local match requirements. (3-31-22)

04. Distribution of Funds and Eligible Applicants. Funds will be disbursed from the Opportunity Fund to local governments as defined in the Local Government Grant Agreement and after the local government has demonstrated that the Grantee Business has complied with the terms of the Company Performance Agreement. (3-31-22)

05. Grant Agreements. Local Government Grant Agreements will be entered into between the Department and one (1) or more local governments, and contain the provisions specified in the program guidelines. In addition, Company Performance Agreements will be entered into between one (1) or more local governments and a Grantee Business, and containing provisions outlined in the program guidelines. (3-31-22)

301. --~~349.~~ (RESERVED)

~~350. IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT (ICDBG).~~

~~**01. Incorporation by Reference.** The Department of Commerce adopts and incorporates by reference the CDBG Procedures Guide, CDBG Application Handbook, the CDBG Grant Manual, 24 CFR Part 570, and the most current Annual Action Plan as rules for the administration of the Idaho Community Development Block Grant.~~ (3-31-22)

~~**02. Purpose.** The rules incorporated by reference in (01) relate to the scope and procedures for the implementation of the Idaho Community Development Block Grant Program.~~ (3-31-22)

~~**351. -- 999. (RESERVED)**~~

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.27.01 – RULES GOVERNING POLE ATTACHMENTS

DOCKET NO. 31-2701-2501 (NEW CHAPTER)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 61-538](#), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Thursday, October 16, 2025 10:00 a.m. (MT)
Idaho Public Utilities Commission 11331 W. Chinden Blvd. Building 8, Suite 201-A Boise, Idaho 83714
Phone Call-in: Phone number: 1-415-655-0001 Meeting number: 2870 917 0949

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:

These rules apply to all pole attachments by a provider of telecommunications service, broadband, or cable services company.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 6, 2025 Idaho Administrative Bulletin, [Vol. 25-8 pages 177-178](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen Goodson at (208) 334-0323. Documents relating to this rulemaking can be found on the Commission's website at [RUL-U-25-01](#).

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 22, 2025.

DATED this 29th day of August, 2025.

Monica Barrios-Sanchez, Commission Secretary
Secretary@puc.idaho.gov
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 31-2701-2501
(New Chapter)

31.27.01 – RULES GOVERNING POLE ATTACHMENTS

000. LEGAL AUTHORITY.

Section 61-538, Idaho Code. ()

001. SCOPE.

These rules apply to all pole attachments by a provider of telecommunications service, broadband, or cable services company. ()

002. DEFINITIONS.

As used in these rules: ()

01. Application. The application request as required by an agreement between the pole owner and attaching entity. ()

02. Attaching Entity. A provider of telecommunications, broadband, or cable services with or seeking pole attachments. A single attaching entity shall include multiple subsidiaries from the same parent company. ()

03. Commission. The Idaho Public Utilities Commission. ()

04. Coordination Between Attaching Entities. A requesting attaching entity's communication or coordination with other attaching entities for completion of make-ready work. ()

05. Make-Ready Work. Work required to prepare a pole for a new or modified attachment, including rearrangements or pole replacements. ()

06. Permit. A written or electronic authorization from the pole owner to install a pole attachment. ()

07. Pole. A utility pole used for electric distribution at or below thirty-four point 5 kilovolt (34.5 kV), which includes transmission poles where existing distribution is under built. ()

08. Pole Owner. A public utility that owns or controls poles used for attachments. ()

09. Unauthorized Attachment. A pole attachment installed without the pole owner’s authorization.
()

003. – 009. (RESERVED)

010. TIMELINES FOR PERMITTING PROCESS.

Pole Attachment Timelines

Pole Access Phase	Regular Orders	Mid-Sized Orders	Large Orders
	Under 100 pole attachment requests	101 – 500 pole attachment requests	501 – 1,500 pole attachment requests
Application Completeness Review	10 business days	10 business days	10 business days
Application re-review	8 business days	10 business days	15 business days
Survey/Review on Merits	45 calendar days	60 calendar days	90 calendar days
Make-Ready Estimate	14 calendar days after survey	14 calendar days after survey	29 calendar days after survey
Communications Space Make-Ready	30 calendar days after attaching entity payment of make-ready estimate	75 calendar days after attaching entity payment of make-ready estimate	120 calendar days after attaching entity payment of make-ready estimate
Above Comms Make-Ready (Electric Space)	90 calendar days after attaching entity payment of make-ready estimate	135 calendar days after attaching entity payment of make-ready estimate	180 calendar days after attaching entity payment of make-ready estimate

Multiple pole attachment requests from an attaching entity during any 30-day period will be counted toward the number of pole attachment requests in the table above.

An attaching entity shall provide a pole owner advanced written notice at least 60 days prior to submitting a Large or above large order and shall provide advanced written notice at least fifteen (15) days prior to submitting a Mid-Sized order associated with a single-network deployment. The notice shall include the attaching entity’s contact information, description of the proposed deployment area, anticipated route and build-out schedule, and a request for a meet and confer within thirty (30) calendar days for Large or above large orders and within ten (10) days for Mid-Sized orders associated with a single-network deployment to negotiate in good faith the mechanics and timing by which such orders will be processed.

()

011. – 019. (RESERVED)

020. NON-DISCRIMINATORY ACCESS TO POLES – DENIAL OF ACCESS.

01. Owner/Provider Agreement to Access. A pole owner shall provide nondiscriminatory access to any pole, duct, conduit, owned or controlled by it to any provider of telecommunications service, broadband, or cable services company. A pole owner may require an attaching entity to execute a pole attachment agreement consistent with the duties to provide non-discriminatory access as set forth by Section 030 and upon just and reasonable rates, terms, and conditions, if the pole owner requires all other attaching parties to execute such an agreement. ()

02. Denial to Access. Notwithstanding Subsection 020.01 above, a pole owner may deny access on a non-discriminatory basis where there is: ()

- a.** Insufficient capacity (space and/or load on a pole); ()
- b.** For reasons of safety, reliability, or generally applicable engineering purposes; ()
- c.** The attaching entity's uncured violations of the applicable pole attachment agreement or these rules; or ()
- d.** Failure to meet standardized credit requirements demonstrating the financial health of an attaching entity. ()

03. Documentation to Support Denial. If access is not granted within the timelines contained in Section 004, the utility must confirm the denial in writing by the applicable deadline. The pole owner's denial of access shall include all relevant documentation and information supporting its denial, and if it is unclear, shall explain how such documentation and information relate to a denial of access for reasons stated above. ()

021. – 029. (RESERVED)

030. MAKE-READY WORK.

01. Time Limits Infeasible. To the extent pole owners need additional time for make-ready work to allow for deviations to make-ready deadlines for good and sufficient cause that renders it infeasible for the pole owner to complete make-ready within the time limits specified in this section. ()

02. Good and Sufficient Cause. Good and sufficient cause includes, but is not limited to: ()

- a.** Permitting delays; ()
- b.** Lack of coordination between attaching entities; ()
- c.** Work moratoriums; ()
- d.** Pole owner capacity to process requests to attach; ()
- e.** Engineering complexity; ()
- f.** Lack of qualified contractors to perform work; or ()
- g.** Stop work orders for wildfire, or other safety risks. ()

03. Determination and Notification. Each pole owner shall determine if make-ready work or attachment cannot be completed and if it deviates from the timeframes in Section 010, the pole owner shall notify the new attaching entity and affected existing attaching entities with: ()

- a. Identification of the affected poles; ()
- b. An explanation of the reason for the deviation; and ()
- c. An estimated new completion date. ()

04. Resume Routine Operations. The pole owner shall deviate from the time limits specified in this rule for a period no longer than is reasonably necessary under the circumstances to complete make-ready on the affected poles and shall resume make-ready when it returns to routine operations. ()

05. Selection of a Mutually Acceptable Third Party. If a pole owner cannot meet the timeframes for attachment established by this rule, the pole owner and attaching entity shall meet and select a mutually acceptable third party for make-ready work. Any third party must meet the pole owner's safety and qualification requirements. ()

031. – 039. (RESERVED)

040. ENFORCEMENT AND UNAUTHORIZED ATTACHMENTS.

For attachments made without a pole attachment agreement: ()

01. Fine. Unauthorized attachments may be fined five hundred dollars (\$500) per attachment, paid to pole owner. ()

02. Removal. Pole owners may remove unauthorized or abandoned attachments at the attaching entity's expense. ()

041. – 049. (RESERVED)

050. TIME FOR DECISION – APPLICABLE RULES OF PROCEDURE UNDER SECTION 61-538(3), IDAHO CODE.

Whenever a public utility and any provider of telecommunications service, broadband, or cable services companies are unable to agree upon pole attachments as regulated by the Commission under Section 61-538, Idaho Code, the Commission will follow the timeframes set forth in IDAPA 31.01.01.151 and the procedural rules adopted in IDAPA 31.01.01.152. ()

051. – 999. (RESERVED)

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES
37.02.04 – SHOSHONE BANNOCK TRIBAL WATER SUPPLY BANK RULES
DOCKET NO. 37-0204-2501 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 42-1762](#), Idaho Code, and Article 7.3 of the 1990 Fort Hall Indian Water Rights Agreement. This action is consistent with [Executive Order 2020-01: Zero-based Regulation](#), which directs agencies to review all administrative rules over the five-year period of 2021-2025 (completing review no later than Idaho Legislature sine die 2026).

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 15, 2025.

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

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

The Idaho Department of Water Resources (IDWR) initiated this rulemaking in compliance with Executive Order No. 2020-01, Zero-Based Regulation (ZBR) (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, must be reviewed by the promulgating agency over a five-year period. This review is being conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at https://adminrules.idaho.gov/rulemaking_templates/ZBR%20Rule%20Review%205%20Year%20Schedule.pdf. This rule chapter was scheduled for review in 2025.

With this Notice, IDWR proposes a rewritten chapter of Shoshone Bannock Tribal Water Supply Bank rules. The rewritten chapter is approximately 43% shorter than the existing Shoshone Bannock Tribal Water Supply Bank rule chapter due to both internal agency analysis and external stakeholder negotiation, commentary, and editing. Changes to the rule are largely a result of a more comprehensive incorporation by reference to the 1990 Fort Hall Agreement which resulted in a reduction in word count from the definitions and general provisions in the rule already stated in the agreement. The changes also include shortening the title and subsequent reference to the Shoshone Bannock Water Bank to mirror the term used in the agreement.

The development of the proposed rule text through two publicly-released preliminary rule draft iterations may be viewed at: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/tribal-WSB-rules/>. On the same website, IDWR also developed and published rulemaking support documents, which provide IDWR's recommendations on rulemaking, rulemaking analysis, and responses to substantive comments received through the negotiated rulemaking process.

After consideration of public comments received in response to this Proposed Rule, IDWR will present the final rule text to the Idaho Legislature in the early spring of 2026.

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

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

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 2nd, 2025 Idaho Administrative Bulletin, [Volume 25-4, page 41](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Specific articles, including some definitions, of the [1990 Fort Hall Agreement](#) were incorporated by reference into this rule. Incorporation by reference is necessary to enhance the rule based on the terms of agreement and articles within the 1990 Fort Hall Agreement which provide authority and structure for the Shoshone Bannock Tribes to operate a water bank and rental pool, including the adoption of rules for the operation of their water bank, for rentals of their contracted storage water outside the boundaries of the Reservation.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Erik Boe at Erik.Boe@idwr.idaho.gov, (208) 287-4800.

Anyone may submit written comments regarding this proposed rulemaking by mail to the address below or by email sent to rulesinfo@idwr.idaho.gov. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2025.

DATED this 29th day of August, 2025.

Erik Boe, Water Compliance Bureau Chief, Rules Regulation Officer
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720 Boise, ID 83720-0098
Phone: (208) 287-4800

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 37-0204-2501
(ZBR Chapter Rewrite.)

37.02.04 – SHOSHONE-BANNOCK-TRIBAL WATER-SUPPLY BANK RULES

000. LEGAL AUTHORITY ~~(RULE 0)~~.

~~These rules have been adopted pursuant to Sections 42-1761 to 42-1765, Idaho Code, Idaho Water Resources Board Water Supply Bank Rule 40 and Article 18.1.3 of “The 1990 Fort Hall Indian Water Rights Agreement” (Agreement) to assure orderly operation of the Shoshone-Bannock Tribal Water Supply Bank (as defined in Subsection 010.01).~~
(3-31-22)()

001. TITLE AND SCOPE ~~(RULE 1)~~.

01. Purpose. ~~The purpose of establishing this Shoshone-Bannock Water Supply Bank is to allow for rental for any beneficial use all or any part of the water accruing to the federal contract storage rights in the American Falls Reservoir and the Palisades Reservoir as described in Article 7.3.1 of the Agreement not used on Indian lands or otherwise required to fulfill the exchange established by Article 8 of the Michaud Contract.~~ These rules set the procedures for the Shoshone-Bannock Water Bank to provide for rental of tribal stored water outside the reservation pursuant to Sections 42-1761 through 42-1766, Idaho Code, and operated consistent with IDAPA 37.02.03.040, and Article 7.3 of the Agreement.
(3-31-22)()

02. Intent. ~~These rules are not intended to prohibit the Tribes from renting the storage contract water from Palisades and American Fall Reservoirs for any beneficial use within the exterior boundaries of the Reservation.~~
(3-31-22)

03. Agreement. ~~The Idaho Water Resources Board or its successors, pursuant to Section 7.3.6 of the~~

~~Agreement, agrees not to take any action that will interfere with the nature, scope, spirit and purposes of the Shoshone Bannock Water Supply Bank.~~ (3-31-22)

002. INCORPORATION BY REFERENCE.

~~This chapter incorporates by reference Articles 4.1, 4.8, 4.19, 4.22, 4.23, 4.37, 4.38, 4.43, 4.44, 4.47, 4.49, 4.55, 4.58, 7.3, and 18.1 of “The 1990 Fort Hall Indian Water Rights Agreement” (<https://idwr.idaho.gov/wp-content/uploads/sites/2/adjudication/1990-Fort-Hall-Indian-Water-Rights-Agreement.pdf>).~~ ()

0023. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

In addition to the definitions set forth below, the definitions in ~~“The 1990 Fort Hall Indian Water Rights Agreement”~~ ~~the Agreement~~ are incorporated to the extent they are applicable. (3-31-22)()

~~01. Acre Foot. The amount of water necessary to cover one (1) acre of land to a depth of one (1) foot and is equivalent to forty three thousand five hundred sixty (43,560) cubic feet or three hundred twenty five thousand eight hundred fifty one (325,851) gallons of water.~~ (3-31-22)

~~021. Agreement. “The 1990 Fort Hall Indian Water Rights Agreement” as ratified by the Shoshone-Bannock Tribes in June, 1991, and as approved by the United States in Public Law 101-602, 104 Stat. 3061 on November 16, 1990, and by the state of Idaho in 1991 Idaho Session Laws Chapter 228 at 547.~~ (3-31-22)

~~03. Annual. The period starting on the day following the first Monday in March of each year and ending on the first Monday of March of the succeeding year.~~ (3-31-22)

~~04. Bank. The “Shoshone Bannock Tribal Water Supply Bank.”~~ (3-31-22)

~~05. Beneficial Use. Any use of water for DCML, irrigation, hydropower generation, recreation, stock watering, fish propagation and instream flow uses as well as any other uses that provide a benefit to the user of the water.~~ (3-31-22)

~~06. Bureau. The United States Department of Interior Bureau of Reclamation.~~ (3-31-22)

~~072. Chairperson. The person selected by the Tribal Rental Pool Committee to be the head of the Committee.~~ (3-31-22)

~~083. Committee. The Tribal Rental Pool Committee.~~ (3-31-22)

~~094. Council. The Fort Hall Business Council.~~ (3-31-22)

~~10. IDWR. The Idaho Department of Water Resources an executive agency of the state of Idaho created by Section 42-1701, Idaho Code, or any successor agency.~~ (3-31-22)

~~11. IWRB. The Idaho Water Resource Board an agency constituted in accordance with Idaho Const. art. XV, Section 7, or any successor agency.~~ (3-31-22)

~~12. Rent. A temporary legal conveyance by the Tribes of the right to use storage water pursuant to Section 42-1761, Idaho Code, for a fixed period of time during which ownership of the federal contract storage right is retained for the benefit of the Tribes.~~ (3-31-22)

~~1305. Rental Pool. The Tribal stored water assigned to and rented from the Bank.~~ (3-31-22)()

~~1406. Renter. The person or entity renting water from the Rental Pool.~~ (3-31-22)()

~~15. Reservation. The Fort Hall Indian Reservation.~~ (3-31-22)

~~16. Reservation Watermaster. The Tribal Water Engineer or any successor designated by the Tribes~~

~~to administer the Tribal water rights under the Tribal Water Code.~~ (3-31-22)

~~17. Snake River Watermaster.~~ The watermaster of Water District 01 or any successor. (3-31-22)

~~1807.~~ **Tribal Stored Water.** The storage water accruing to the federal contract storage space identified in Article 7.3.1 of the Agreement. (3-31-22)

~~19. Tribal Water Engineer.~~ The Tribal officer or any successor designated to administer the Tribal Water Code. (3-31-22)

~~20. Tribes.~~ The Shoshone Bannock Tribes. (3-31-22)

011. -- 024. (RESERVED)

025. GENERAL ~~(RULE 25).~~

~~01. Priority of Use.~~ Before stored water is assigned to the rental pool, Tribal stored water shall be maintained and made available for Tribal uses as determined by the Council and to meet the commitment of the Tribes under Article 8 of the Michaud Contract. The water is to be rented for beneficial use and may be rented outside the Reservation subject to the provisions of Rule 45 of these Water Supply Bank Rules. (3-31-22)

~~02. Bank Operation.~~ The operation of the Bank shall be consistent with the Agreement. The Bank shall be for the exclusive purpose of rental of Tribal stored water. (3-31-22)

~~03. Authority of Bank.~~ The Shoshone Bannock Water Supply Bank is created pursuant to the provisions of the following Sections 42-1761, 42-1762, 42-1763, 42-1764, and 42-1765, Idaho Code. (3-31-22)

~~04. Incorporation of Articles.~~ These rules incorporate by reference the provisions set forth in Article 7.3.5, 7.3.10 and 7.3.11 of the Agreement. (3-31-22)

~~051.~~ **Consistency.** The operation of the Bank ~~shall~~ will be consistent with provisions of the Tribes' spaceholder contracts with the United States. (3-31-22)()

~~062.~~ **Storage Water.** Tribal stored water rented from the Rental pPool ~~shall~~ will be deemed storage water of the renter during the term of the approved rental. (3-31-22)()

~~073.~~ **Evaporation Losses.** Evaporation losses associated with any Tribal stored water assigned to the Bank ~~shall~~ Rental Pool will be charged to storage space from which the water is released. (3-31-22)()

026. -- 029. (RESERVED)

030. MANAGEMENT ~~(RULE 30).~~

01. Bank Operation. The Bank ~~shall~~ will be operated by the ~~Tribal Rental Pool~~ Committee in conformity with these rules and the Agreement. (3-31-22)()

~~02. Committee Composition.~~ The Tribal Rental Pool Committee shall be composed of the following members: the Bureau Snake River Area Manager, the Snake River Watermaster, the Tribal Reservation Watermaster and three (3) individuals designated by the Council. The composition of this Committee shall only be changed as provided in the Agreement. (3-31-22)

~~032.~~ **Chairperson Selection.** The Committee ~~shall~~ will select its own Chairperson from the Committee as determined by a majority vote of the Committee. Each term of the Chairperson of the Committee ~~shall~~ will not exceed four (4) years; however, nothing precludes the same person from being re-elected as Chairperson by the members for more than one (1) term. (3-31-22)()

~~043.~~ **Committee Responsibilities.** The ~~Tribal Rental Pool~~ Committee shall have the following

responsibilities:

(3-31-22)()

a. The Committee ~~shall~~ will ensure that the Bank is operated in compliance with these rules and the Agreement and ~~shall~~ will establish such other policies for the operation of the Bank as are consistent with these rules and the Agreement.

(3-31-22)()

b. The Committee ~~shall~~ will advise the ~~Fort Hall Business~~ Council on water banking activities upon request.

(3-31-22)()

~~054.~~ **Chairperson Duties.** The Chairperson ~~shall~~ will be responsible for such duties as are delegated by the Committee.

(3-31-22)()

031. -- 034. (RESERVED)

035. ASSIGNMENTS OF TRIBAL STORED WATER TO THE ~~BANK (RULE 35)~~ RENTAL POOL.

01. **Assignments of Stored Water.** Whenever Tribal stored water is made available for rental, it will be deemed that it is the intention of the Tribes to assign sufficient space to yield the amount of water designated. Assignments of Tribal stored water to the ~~Bank~~ Rental Pool should identify the reservoir from which the assignment is being made. If no reservoir is identified, the Tribal stored water shall be deemed to come first from the Palisades Reservoir and secondly from American Falls Reservoir to the Committee.

(3-31-22)()

~~02.~~ **Assignment Forms.** Assignments of Tribal stored water to the Bank shall be in writing on forms provided by the Committee and shall bear the date received by the Chairperson. Copies of all assignments shall be provided to all the Committee members and a copy shall be provided to the Council.

(3-31-22)

~~03.~~ **Term of Assignment.** Assignments of Tribal stored water may be made for any period of time.

(3-31-22)

~~042.~~ **Control of Assigned Water.** All Tribal stored water assigned to the ~~Bank~~ Rental Pool by the Council ~~shall~~ will be under the control of the Committee for the duration of the term of the assignment to be rented in accordance with these rules and the terms of the assignment.

(3-31-22)()

~~05.~~ **Space Assignment.** Whenever Tribal stored water is made available for rental, it shall be deemed that it is the intention of the Tribes to assign sufficient space to yield the amount of water designated.

(3-31-22)

~~063.~~ **Return of Unrented Water.** Any Tribal stored water assigned to the ~~Rental~~ Pool that is not rented ~~shall~~ will be returned to the credit of the Tribes.

(3-31-22)()

036. -- 039. (RESERVED)

040. RENTAL OF WATER FROM THE RENTAL POOL ~~(RULE 40).~~

01. **Rental Priorities.** ~~Tribal stored water assigned to the Bank shall be made available for rental in accordance with the priorities established by the Committee, provided that the Fort Hall Indian Irrigation Project water users shall have a right of first refusal to rent any tribal stored water assigned to the rental pool.~~ Notice shall to the Fort Hall Indian Irrigation Project of Tribal stored water assigned to the Rental Pool available for rental will be given in accordance with procedures established by agreement of the Tribes and the Fort Hall Indian Irrigation Project water users.

(3-31-22)()

02. **Rental Application.** A request to rent water ~~shall~~ will be in writing on a form provided by the Committee, or as a drafted rental agreement provided by the Reservation Watermaster. A copy of the request ~~shall~~ will be provided to each member of the Committee for consideration of approval and forwarded to the Council.

(3-31-22)()

03. **Content of Approval Rental Agreements.** All approved rental agreements ~~shall~~ will contain the following information:

(3-31-22)()

- a. Name and address of the renter, (3-31-22)
- b. Amount of tribal stored water obligated, (3-31-22)
- c. The beneficial use, (3-31-22)
- d. The rental price, (3-31-22)
- e. The legal description of the point of diversion and place of use will be identified by the end of the accounting year for water district 01, (3-31-22)()
- f. The duration of the approval rental agreement, (3-31-22)()
- g. The understanding of responsibilities and exposures if reservoir space does not fill at some time during the term of the approved rental agreement. (3-31-22)()
- h. The understanding that transportation losses occurring between the reservoir and the place of use shall will be deducted from water delivered under the approved rental agreement. (3-31-22)()

041. -- ~~044.~~ (RESERVED)

045. GEOGRAPHIC SCOPE OF RENTING (RULE 45).

~~01. Palisades Storage. Tribal stored water from the Palisades Reservoir may be rented for use within the Snake River Basin above Milner Dam.~~ (3-31-22)

~~02. American Falls Storage. Tribal stored water from the American Falls Reservoir may be rented for use within the Snake River Basin within the state of Idaho.~~ (3-31-22)

~~046. -- 049.~~ (RESERVED)

050. RENTAL PAYMENTS (RULE 50).

01. **Rental Price.** The price for rental Tribal stored water from the bank shall will be set by the Council. (3-31-22)()

02. **Management of Rental Income.** Rental payments shall will be made directly to the Council. The Council shall will be responsible for the management of the rental income. ~~The Council shall give written notice to the Committee that payment was properly received and that water may be released under the rental agreement.~~ If payments are made over time, and payment is not received by the Council, the Council shall will promptly notify the Committee to hold back ~~on the~~ release of the water until payment is properly received. (3-31-22)()

051. -- 054. (RESERVED)

055. TERM OF RENTALS (RULE 55).

~~The Committee may rent tribal stored water for a period of up to five (5) years.~~ Any request to rent water below Milner Dam for a period in excess of five (5) years shall will be subject to negotiations between the Tribes and the IWRB Idaho Water Resource Board consistent with IDAPA 37.02.03.040.01.g. (3-31-22)()

056. -- 059. (RESERVED)

060. LIABILITY (RULE 60).

Nothing in these rules shall will be construed as modifying or altering any provisions of the Agreement, including but not limited to Article 7.3.12. (3-31-22)()

061. -- 999. (RESERVED)

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.07 – STREAM CHANNEL ALTERATION RULES

DOCKET NO. 37-0307-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 42-1805\(8\)](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2025.

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

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

The Idaho Department of Water Resources (IDWR) initiated this rulemaking in compliance with [Executive Order No. 2020-01, Zero-Based Regulation \(ZBR\)](#) (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, must be reviewed by the promulgating agency over a five-year period. This review is being conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at https://adminrules.idaho.gov/rulemaking_templates/ZBR%20Rule%20Review%205%20Year%20Schedule.pdf. This rule chapter was scheduled for review in 2025.

With this Notice, IDWR proposes a rewritten chapter of stream channel alteration rules. The rewritten chapter is approximately 24% shorter than the existing stream channel alteration rule chapter due to both internal agency analysis and external stakeholder negotiation, commentary, and editing. Changes to the rule come through a combination of (a) removal of obsolete (such as outdated and rarely utilized Minimum Standards), (b) removal of unnecessary provisions (such as rules duplicative with statutes), and (c) modifications to existing rules regulating improving its effectiveness (such as rules updates to Definitions and Minimum Standards).

The development of the proposed rule text through two publicly-released preliminary rule draft iterations may be viewed at: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/stream-channel-rules/>. On the same website, IDWR also developed and published rulemaking support documents, which provide IDWR's recommendations on rulemaking, rulemaking analysis, and responses to substantive comments received through the negotiated rulemaking process.

After consideration of public comments received in response to this Proposed Rule, IDWR will present the final rule text to the Idaho Legislature in the early spring of 2026.

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

Stream Channel Alteration permit fees are nominal (\$20 per permit application), and are established by statute, Idaho Code § [42-221\(M\)\(3\)](#). Rule modifications will not include new fees or changes to fees set by statute.

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

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 2, 2025 Idaho Administrative Bulletin, [Vol. 25-4, page 43](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Erik Boe at Erik.Boe@idwr.idaho.gov, (208) 287-4800.

Anyone may submit written comments regarding this proposed rulemaking by mail to the address below or by email sent to rulesinfo@idwr.idaho.gov. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2025.

DATED this 29th day of August, 2025.

Erik Boe, Water Compliance Bureau Chief, Rules Regulation Officer
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720 Boise, ID 83720-0098
Phone: (208) 287-4800

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 37-0307-2501
(ZBR Chapter Rewrite.)

37.03.07 – STREAM CHANNEL ALTERATION RULES

000. LEGAL AUTHORITY ~~(RULE 0).~~

~~The purpose of these rules and minimum standards is to specify procedures for processing and considering applications for stream channel alterations under the provisions of Title 42, Chapter 38~~ **Section 42-3803**, Idaho Code. (3-18-22)()

001. ~~TITLE AND SCOPE (RULE 1).~~

01. Title. These rules are titled IDAPA 37.03.07, “Stream Channel Alteration Rules.” (3-18-22)

02. Scope. ~~The minimum standards are~~ **This chapter is** intended to enable the Director to **expedite the** processing ~~ing, in a short period of time, those of~~ applications which are of a common type and which do not propose alterations which will be a hazard to the stream channel and its environment. ~~It is intended that these rules and minimum standards be administered in a reasonable manner, giving due consideration, to all factors affecting the stream and adjacent property.~~ (3-18-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS ~~(RULE 10).~~

01. Alteration. To obstruct, diminish, destroy, alter, modify, relocate or change the natural existing shape of the channel or to change the direction of flow of water of any stream channel within or below the mean high water mark. It includes removal of material from the stream channel and emplacement of material or structures in or across the stream channel where the material or structure has the potential to affect flow in the channel as determined by the Director. (3-18-22)

02. Applicant. Any individual, partnership, company, corporation, municipality, county, state or federal agency, their agent, or other entity proposing to alter a stream channel or actually engaged in constructing a

channel alteration, whether authorized or not. (3-18-22)

03. Base Flood Elevation. ~~The Base Flood (BF) is referred to as the one hundred (100)-year flood and is a measure of flood magnitude based on probability. The BF has a one percent chance of occurring or being exceeded in any given year, with the Base Flood Elevation (BFE) being the level of flooding reached during the BF or the one hundred (100)-year flood event. The elevation of the surface water resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.~~ (3-18-22)()

04. Board. ~~The Idaho Water Resource Board.~~ (3-18-22)

04. Bridge. Any structure with a hydraulic opening width of ten (10) feet or greater measured normal to the channel. ()

05. Continuously Flowing Water. A sufficient flow of water annually that could provide for migration and movement of fish, and excludes those reaches of streams which, in their natural state, normally go dry at the location of the proposed alteration fish habitat. ~~IDWR Idaho Department of Water Resources (Department)~~ will assume, subject to information to the contrary, that the USGS quadrangle maps accurately depict whether a stream reach is continuously flowing, at the location of the proposed alteration. ~~Such exclusion does not apply to minor flood~~ This definition includes high flow channels that ~~are a part of a stream which is continuously flowing in the reach where the alteration is located may be dry at the location of the alteration but flow annually. Also, such exclusion does not~~ This definition also apply ies to streams which may be dry as a result of upstream diversion or storage of water. (3-18-22)()

06. Department. ~~The Idaho Department of Water Resources.~~ (3-18-22)

07. Drop Structures, Sills and Barbs. ~~Physical obstructions placed within a stream channel for the purpose of stabilizing the channel by decreasing stream gradient and velocity and by dissipating stream energy.~~ (3-18-22)

08. Director. ~~The Director of the Idaho Department of Water Resources.~~ (3-18-22)

06. Culvert. Any structure with a hydraulic opening width less than ten (10) feet measured normal to the channel. ()

07. Debris. Any pieces of foreign material or dislodged plant material that affect flow in the channel. ()

08. Fish Habitat. Any aquatic environment where fish live, feed, reproduce, and grow, including areas where fish spawn, rear, and migrate. ()

09. Human Life Support System. Any artificial or natural system that provides all or some of the items (such as oxygen, food, water, control of temperature, or disposition of carbon dioxide) necessary for maintaining human life or health. (3-18-22)

10. Mean High Water Mark. ~~As defined in Idaho Code, § 42-3802(h), the mean high water mark is water level corresponding to the "natural or ordinary high water mark" and is the line which the water impresses on the soil by covering it for sufficient periods of time to deprive the soil of its terrestrial vegetation and destroy its value for commonly accepted agricultural purposes.~~ (3-18-22)

140. Non-Powered Equipment. Equipment which is powered only by human strength. (3-18-22)

12. Plans. ~~Maps, sketches, engineering drawings, photos, work descriptions and specifications sufficient to describe the extent, nature, and location of the proposed stream channel alteration and the proposed method of accomplishing the alteration.~~ (3-18-22)

11. Permanent Structures. Any alteration that is intended to be long lasting or cannot easily be removed or washed away (for example: placed rock riprap, bioengineering, drop structures, culverts, and bridges).

()

132. Powered Equipment. Equipment which is powered by means other than human strength such as a gasoline engine or electric motor. (3-18-22)

~~**14. Repair.** Any work needed or accomplished, to protect, maintain, or restore any water diversion structure and the associated stream channel upstream and downstream as necessary for the efficient operation of the water diversion structure. (3-18-22)~~

153. Stream Channel. A natural water course of perceptible extent with definite beds and banks which confines and conducts continuously flowing water. The channel referred to is that which exists at the present time, regardless of where the channel may have been located at any time in the past. ~~For the purposes of these rules only, the beds of lakes and reservoir pool areas are not considered to be stream channels.~~ (3-18-22)()

011. -- 024. (RESERVED)

025. EXEMPTIONS ~~(RULE 25).~~

~~**01. Work on Existing or Proposed Reservoir Projects.** Permits are not required under the provisions of Title 42, Chapter 38 for construction work on any existing or proposed reservoir project, including the dam, and such areas downstream as the Director may determine is reasonably necessary for construction and maintenance of the dam. (3-18-22)~~

~~**02. Snake and Clearwater Rivers.** Permits are not required for work within that portion of the Snake and Clearwater rivers from the state boundary upstream to the upper boundary of the Port of Lewiston Port District as it now exists or may exist in the future. (3-18-22)~~

031. Cleaning, Maintenance, Construction, or Repair Work. No permit is required of a water user or ~~his~~ their agent to clean, maintain, construct, or repair any diversion structure, canal, ditch, or lateral or to remove any obstruction from a stream channel which is interfering with the delivery of any water under a valid existing water right or water right permit. (3-18-22)()

042. Removal of Debris. No permit is required for removal of debris from a stream channel provided that no equipment will be working in the channel below the mean high water mark and all material removed will be disposed of ~~at some point~~ outside the channel where it cannot again reenter the channel. (3-18-22)()

~~**053. Mining Operations Using Non-Powered Equipment.** No permit is required for mining activities using non-powered equipment to move one-quarter (1/4) cubic yard per hour or less below the mean high water mark, except as otherwise described in Rule Subsection 0643.05. (3-18-22)()~~

026. -- 029. (RESERVED)

030. APPLICATIONS ~~(RULE 30).~~

~~**01. Alteration of Stream Channels Permit Required.** No person shall engage in any activity which will alter a stream channel without first applying for a permit as provided by § 42-3803, Idaho Code. (3-18-22)~~

021. Joint Application Permit Form. The Department ~~of Water Resources, Idaho~~ Department of Lands (IDL), and the U.S. Army Corps of Engineers have developed a joint application for permits form which will suffice for the ~~required~~ permit application under the Stream Protection Act (SPA). ~~An application should be filed at least sixty (60) days before the applicant proposes to start the construction and shall be upon the joint application form furnished by the Department. The application shall be accompanied by plans which clearly describe the nature and purpose of the proposed work.~~ (3-18-22)()

032. Applicant Following Minimum Standards. In those cases where the applicant intends to follow the minimum standards ~~(Rule 055)~~, detailed plans may be eliminated by referring to the specific minimum standard; however, drawings necessary to adequately define the extent, purpose, and location of the work may be required.

Plans ~~shall~~ should include some reference to water surface elevations and stream boundaries to facilitate review. The application should show the mean high water mark on the plans; however, any water surface or water line reference available will be helpful as long as this reference is described. (Examples: present water surface, low water, high water.) (3-18-22)()

~~04. Submission of Copies. The applicant shall submit one (1) copy of all necessary plans along with the application form. When drawings submitted are larger than eight and one half by eleven (8 1/2 x 11), the applicant shall provide the number of copies specified by the department.~~ (3-18-22)

031. -- 034. (RESERVED)

035. APPLICATION REVIEW ~~(RULE 35).~~

01. Prior to Issuance of Permit. The following items shall be among those considered by the Director prior to issuing a permit: (3-18-22)

- a. What is the purpose of doing the work? (3-18-22)
- b. What is the necessity and justification for the proposed alteration? (3-18-22)
- c. Is the proposal a reasonable means of accomplishing the purpose? (3-18-22)
- d. Will the alteration be a permanent solution? (3-18-22)
- e. Will the alteration pass anticipated water flows without creating harmful flooding or erosion problems upstream or downstream? (3-18-22)
- f. What effect will the alteration have on fish habitat? (3-18-22)
- g. Will the materials used or the removal of ground cover create turbidity or other water quality problems? (3-18-22)
- h. Will the alteration interfere with recreational use of the stream? (3-18-22)
- i. Will the alteration detract from the aesthetic beauty of the area? (3-18-22)
- j. What modification or alternative solutions are reasonably possible which would reduce the disturbance to the stream channel and its environment and/or better accomplish the desired goal of the proposed alteration? (3-18-22)
- k. Is the alteration to be accomplished in accordance with the adopted minimum standards? (3-18-22)
- l. Are there public safety factors to consider? (3-18-22)

~~02. Proposed Alteration Which Does Not Follow Minimum Standards. In those cases where a proposed alteration does not follow the minimum standards, a copy of the application will be sent for review to those state agencies requesting notification. The Director shall provide for review by the Department of Lands, copies of applications on navigable rivers. The Director will provide a copy of any other application requested by the Department of Lands and may request review by other state agencies regardless of whether or not the proposed alteration will comply with the minimum standards.~~ (3-18-22)

036. -- 039. (RESERVED)

040. APPROVAL ~~(RULE 40).~~

~~01. Conformance to Application. All work shall be done in accordance with the approved application, subject to any conditions specified by the department.~~ (3-18-22)

021. Permits Allowed Without Review. A permit may be approved by the Director ~~of the Department of Water Resources~~ without review by other agencies in situations where the work is of a nature not uncommon to the particular area and where it is clear that the work will not seriously degrade the stream values except on navigable rivers which require review by ~~the Department of Lands~~ IDL. All work approved in this manner ~~shall~~ should be accomplished in accordance with the minimum standards. (3-18-22)()

032. Reinstatement of Expired Permit. A permit which has expired may be reinstated by the Director after review by other agencies as determined by the Director. (3-18-22)

041. -- 044. (RESERVED)

045. ENFORCEMENT OF ACT ~~(RULE 45).~~

01. Written Orders Issued by Designated Employees of Department. Employees of the Department designated by the Director may issue written orders directing an applicant to cease and desist, to ensure proper notice to applicants who are found to be altering a stream without a permit or not in compliance with the conditions of a permit. Such orders shall be in effect immediately upon issuance and will continue in force until a permit is issued or until the order is rescinded by the Director. (3-18-22)

02. Failure to Comply with Stream Protection Act. Failure to comply with any of the provisions of the Stream Protection Act (Chapter 38, Title 42, Idaho Code), may result in issuance of an Idaho uniform citation and/or the cancellation of any permit by the Director without further notice and the pursuit in a court of competent jurisdiction, such civil or criminal remedies as may be appropriate and provided by law. The Director may issue written orders pursuant to Section 42-3809, Idaho Code, and the Director may allow reasonable time for an applicant to complete stabilization and restoration work. (3-18-22)()

046. -- 049. (RESERVED)

050. EMERGENCY WAIVER ~~(RULE 50).~~

01. Waiver of Provisions of Stream Protection Act. Pursuant to Section 42-3808, Idaho Code, ~~provides for waiver of the~~ the Director may waive provisions of ~~the Stream Protection Act that~~ Section in certain emergency situations ~~where immediate action must be taken to protect life or property including growing crops. The Director will not consider failure to submit an~~ however, emergency situations do not include an applicant's failure to submit an application for a stream channel alteration far enough ahead of the desired starting time of the construction work as an emergency situation. (3-18-22)()

02. Verbal Waivers. ~~A The Director may initially grant a~~ verbal waiver ~~may be granted initially;~~ however, ~~all verbal requests for waivers shall be followed up by~~ the applicant must follow up in writing within fifteen (15) days of any initial authorization to do work. If the applicant is unable to contact the Director to obtain an emergency waiver, they may proceed with emergency work; however, they must contact the Director as soon as possible thereafter. ~~Proving that and prove~~ a bonafide emergency did actually exist ~~will be the responsibility of the applicant.~~ (3-18-22)()

03. Emergency Waiver. Work authorized by an emergency waiver shall be limited to only that which is necessary to safeguard life or property, including growing crops, during the period of emergency. (3-18-22)

04. Conformance to Conditions of Waiver. The applicant shall adhere to all conditions set by the Director as part of a waiver. (3-18-22)

05. Waivers Granted by Designated Employees. The Director may delegate the authority to grant waivers to designated employees of the Department. ~~Names and telephone numbers of such employees will be made available to any interested applicant upon request.~~ (3-18-22)()

051. -- 054. (RESERVED)

055. MINIMUM STANDARDS ~~(RULE 55).~~

These standards are intended to cover the ordinary type of stream channel alteration and to prescribe minimum conditions for approval of such construction. Unless otherwise provided in a permit, these standards shall govern all stream channel alterations in this state. An applicant should not assume that because an application utilizes methods set forth in these standards it will automatically be approved. These minimum standards include the following items provided in Sections 056 through 063. ~~(3-18-22)()~~

- ~~01. Construction Procedures.~~ ~~(3-18-22)~~
- ~~02. Dumped Rock Riprap.~~ ~~(3-18-22)~~
- ~~03. Drop Structures, Sills and Barbs.~~ ~~(3-18-22)~~
- ~~04. Culverts and Bridges.~~ ~~(3-18-22)~~
- ~~05. Removal of Sand and Gravel Deposits.~~ ~~(3-18-22)~~
- ~~06. Small Scale Mining with Suction Dredges, Powered Sluices, or Non-Powered Equipment.~~ ~~(3-18-22)~~
- ~~07. Piling.~~ ~~(3-18-22)~~
- ~~08. Pipe Crossings.~~ ~~(3-18-22)~~
- ~~09. Concrete Plank Boat Launch Ramps.~~ ~~(3-18-22)~~

056. CONSTRUCTION PROCEDURES ~~(RULE 56).~~

01. Conformance to Procedures. Construction shall be done occur in accordance with the following procedures unless specific approval of the Director approves other procedures ~~has been given by the Director~~. When an applicant desires to proceed in a manner different from the following, such procedures should be described on the application. ~~(3-18-22)()~~

02. Operation of Construction Equipment. No construction equipment shall be operated below the existing mean high water surface mark without specific approval from the Director ~~except as follows: Fording the stream at one (1) location only will be permitted unless otherwise specified; however, vehicles and equipment will not be permitted to push or pull material along the streambed below the existing water level. Work below the water which is essential for preparation of culvert bedding or approved footing installations shall be permitted to the extent that it does not create unnecessary turbidity or stream channel disturbance. Frequent fording will not be permitted in areas where extensive turbidity will be created.~~ ~~(3-18-22)()~~

03. Temporary Structures. Any temporary crossings, bridge supports, cofferdams, or other structures that will be needed during the period of construction shall be designed to handle high flows that could be anticipated during the construction period. All temporary structures shall be completely removed from the stream channel at the conclusion of construction and the area ~~shall be restored to a natural appearance~~ its original general configuration including revegetation. ~~(3-18-22)()~~

04. Minimizing Disturbance of Area. Care shall be taken to cause only the minimum necessary disturbance to the ~~natural appearance of the~~ area. Streambank vegetation shall be protected except where its removal is absolutely necessary for completion of the work adjacent to the stream channel. When the removal of vegetation is absolutely necessary, the site shall be reseeded and replanted with native vegetation. ~~(3-18-22)()~~

05. Construction Methods. Construction shall occur using methods that eliminate or minimize discharge of turbidity, sediment, organic matter, or toxic chemicals. A settling basin or cofferdam may be required for this purpose. ~~()~~

056. Disposal of Removed Materials. Any vegetation, debris, or other material removed during

construction shall be disposed of at some location out of the stream channel where it cannot reenter the channel during high stream flows. (3-18-22)

067. New Cut-of or Fill Slopes. All new cut or fill slopes ~~that will not be protected with some form of riprap~~ shall be ~~seeded with grass and~~ planted with native vegetation to prevent erosion. (3-18-22)()

07. Fill Material. All fill material shall be placed and compacted in horizontal lifts. Areas to be filled shall be cleared of all vegetation, debris and other materials that would be objectionable in the fill. (3-18-22)

08. Limitations on Construction Period. The Director may limit the period of construction as needed to minimize conflicts with fish ~~migration and spawning habitat~~, recreation use, and other uses. (3-18-22)()

057. PERMANENT STRUCTURES.

01. Accommodations and Prohibited Barriers. All permanent structures shall be constructed to accommodate fish passage, considering water depth, water velocity, and not be a physical or velocity barrier. ()

02. Vertical Drops Requirements. All permanent structures with vertical drops shall be constructed with heights which are passable by all species and age classes known to be present in the waterbody and shall not exceed one (1) foot. ()

03. Year-Round Water Depth Requirements. Areas where water is present year-round, minimum water depth shall be approximately eight (8) inches for salmon and steelhead and at least three (3) inches in all other cases. ()

0578. DUMPED PLACED ROCK RIPRAP (RULE 57).

01. Placement of Riprap. Riprap shall be placed on a granular bedding material or a compact and ~~stable non-erodible~~ embankment. (3-18-22)()

02. Sideslopes of Riprap. Sideslopes of riprap shall not be steeper than 2:1 (2' horizontal to 1' vertical) except at ends of culverts and at bridge approaches where a 1 1/2:1 sideslope is standard. (3-18-22)

03. Minimum Thickness of Riprap. The minimum thickness of the riprap layer ~~shall~~ should equal the dimension of the largest size riprap rock used or be eighteen (18) inches, whichever is greater. When riprap will be placed below the mean high water ~~level~~ mark, the thickness of the layer ~~shall~~ should be fifty percent (50%) greater than specified below. (3-18-22)()

04. Riprap Protection. Riprap protection must extend at least one (1) foot above the anticipated high water surface elevation in the stream. (3-18-22)

054. Rock Used for Riprap. Rock for riprap shall consist of sound, dense, durable, and angular rock fragments, resistant to weathering and free ~~from large quantities of~~ concrete, soil, shale, and organic matter. The length of a rock ~~shall~~ should not be more than three (3) times its width or thickness. Rounded cobbles, boulders, and streambed gravels are not acceptable as ~~dumped~~ riprap. (3-18-22)()

065. Size and Gradation of Riprap. Riprap size and gradation are commonly determined in terms of the weight of riprap rock. The average size of riprap rock shall be at least as large as the maximum size rock that the stream is capable of moving. The maximum size of riprap rock used shall be two (2) to five (5) times larger than the average size. (3-18-22)

076. Methods Used for Determining Gradation of Riprap. There are many methods used for determining the gradation of riprap rock. ~~One of these many~~ Two (2) acceptable methods ~~is are~~ shown in ~~Table 1 below. Another acceptable method is the Far West States (FWS) method shown in~~ APPENDIX A ~~Table 1A.~~

Table 1—GRADATION OF RIPRAP IN POUNDS		
Max. Weight of Stone required (lbs)	Min. and Max. Range in weight of Stones (lbs)	Weight Range 75 percent of Stones (lbs)
150	25—150	50—150
200	25—200	50—200
250	25—250	50—250
400	25—400	100—400
600	25—600	150—600
800	25—800	200—800
1000	50—1000	250—1000
1300	50—1300	325—1300
1600	50—1600	400—1600
2000	75—2000	600—2000
2700	100—2700	800—2700

(3-18-22)()

087. Use of Filter Material. A blanket of granular filter material or filter fabric shall be placed between the riprap layer and the bank in all cases where the bank is composed of erodible material that may be washed out from between the riprap rock. Filter material ~~shall~~ should consist of a layer of well-graded gravel and coarse sand at least six (6) inches thick. Filter fabric used for construction shall be non-woven natural fiber of jute, coir, sisal, or a similar product. The apparent opening length shall be adequate to allow vegetation to penetrate the fabric and spread laterally. (3-18-22)()

08. Native Vegetation Planting. Dormant willow cuttings, willow bundles, willow clumps, or other native woody vegetation shall be planted within riprap and placed down to permanent soil moisture, similar to as depicted in APPENDIX B. Single cuttings shall be spaced no greater than at 2-foot intervals, and bundles or clumps shall be spaced no greater than at 5-foot intervals. ()

09. Toe Protection. Some suitable form of toe protection shall be provided for riprap located on erodible streambed material. (3-18-22)

a. Various acceptable methods of providing toe protection are shown in APPENDIX ~~BC~~, Figure 2 at the end of this chapter. (3-18-22)()

b. In addition to the approved methods of providing toe protection as shown in APPENDIX ~~BC~~, any other reasonable method will be considered by the Director during review of a proposed project. (3-18-22)()

10. Extension of Riprap Area. Riprap ~~shall~~ should extend far enough upstream and downstream to reach stable areas, unless the riprap is protected against undermining at its ends by the method shown in APPENDIX ~~CD~~, Figure 3 ~~at the end of this chapter~~. On extremely long riprap sections, it is recommended that similar cutoff sections be used at several intermediate points to reduce the hazard that would be created if failure of the riprap occurred at any one (1) location. (3-18-22)()

~~**11. Finished Surface.** Placement shall result in a smooth, even finished surface. Compaction is not necessary.~~ (3-18-22)

~~**121. Placement of Riprap.** The full course thickness of the riprap shall be placed in one (1) operation.~~

~~Dumping riprap long distances down the bank or pushing it over the top of the bank with a dozer shall be avoided if possible. Material should~~ shall be placed with an excavator with a thumb, backhoe, loader, or dragline similar equipment. ~~Dumping material near its final position on the slope or dumping rock at the toe and bulldozing it up the slope is a very satisfactory method of placement, if approval is obtained for the use of equipment in the channel.~~
(3-18-22)()

132. Design Procedure. Design procedure using the Far West States (FWS) method. (3-18-22)

a. The FWS method uses a single equation to deal with variables for riprap. (3-18-22)

$D75 = 3.5/CK$ WDS for Channel Banks

where: $D75$ = Size of the rock at seventy five percent (75%) is finer in gradation, in inches.

W	=	Specific weight of water, usually 62.4 lbs./cu.ft.
D	=	Depth of flow in stream, in feet in flood stage
S	=	Channel slope or gradient, in ft/ft.
C	=	A coefficient relating to curvature in the stream
K	=	A coefficient relating to steepness of bank slopes

(3-18-22)

b. The coefficient, C, is based on the ratio of the radius of curvature of the stream, (CR), to the water surface width, (WSW), so it is necessary for the user to make a field determination of these values. The coefficient varies from zero point six (0.6) for a curve ratio of four (4) to six (6), up to one point zero (1.0) for a straight channel. If the computed ratio for a particular project is less than four (4), the designer should consider some modification less than four (4).

CR/WSW	C
4 - 6	0.60
6 - 9	0.75
9 - 12	0.90
Straight Channel	1.00

(3-18-22)()

c. The coefficient, K, ranges from zero point five (0.5) for a one point five to one (1.5:1) sideslope to zero point eighty-seven (0.87) for a three to one (3:1) sideslope. No values are given for steeper or flatter slopes. Slopes steeper than one point five to one (1.5:1) are not recommended. If slopes flatter than three to one (3:1) are desired, it would be conservative to use the K-value for three to one (3:1) slopes.

Bankslope	K
1.5:1	0.50
1.75:1	0.63
2.0:1	0.72
2.5:1	0.80
3.0:1	0.87

(3-18-22)()

059. BIOENGINEERING.

01. Construction Materials. Materials used in bioengineering shall be natural and vegetation used shall be native and locally sourced. Materials should include, but not be limited to, earth, vegetation, rock, and wood, similar to as depicted in APPENDIX E. Exceptions for manufactured products include fiberschines, fiber logs, soil lifts, biodegradable erosion control fabrics, and geotextiles. ()

02. Vegetation. Vegetation used in bioengineering may include native grasses, forbs, shrubs, and woody plants. ()

03. Toe Protection. Some suitable form of toe protection shall be provided for projects located on erodible streambed material. ()

04. Endpoint Protection. Finished projects shall include endpoint protection on the upstream and downstream sides of the project. Endpoint protection shall be robust enough to prevent streamflow from scouring and flowing behind the structure. ()

05860. DROP STRUCTURES, SILLS, AND BARBS (RULE 58).

01. Drop Structures. A drop structure shall be constructed of rocks, boulders, and/or logs placed within a stream channel to act as a low level dam. Placement of a drop structure perpendicular to stream flow will decrease the stream gradient, dissipate stream energy, and decrease stream velocity through an increase in water surface elevation immediately above the structure. Drop structures shall comply with the following criteria:(3-18-22)

a. Maximum water surface differential across (upstream water surface elevation minus downstream water surface elevation) a drop structure ~~shall will~~ not exceed two (2) feet. ~~The department shall approve the final elevation of any structure.~~ (3-18-22)()

b. ~~Large wood and/ or R~~rock drop structures ~~shall will~~ be constructed of ~~large, woody material and/or~~ clean, sound, dense, durable, angular rock fragments, and/or boulders of size and gradation, such that the stream is incapable of moving the material during peak flows. ~~Rocks shall~~ Materials used for construction will be keyed into the stream banks to minimize the likelihood of bank erosion; (Ssee APPENDIX ~~DF~~ located at the end of this chapter). (3-18-22)()

~~c.~~ Log drop structures are acceptable in four (4) designs including the single log dam, the stacked log dam, the three (3) log dam, and the pyramid log dam. Log ends shall be keyed into both banks at least one third (1/3) of the channel width or a distance sufficient to prevent end erosion. To prevent undercutting, the bottom log shall be embedded in the stream bed or hardware cloth, cobbles or boulders shall be placed along the upper edge. Minimum log size for a single log structure shall be determined by on-site conditions and shall be placed to maintain flow over the entire log to prevent decay. Each log drop structure must be accompanied by downstream scour protection, such as a rock apron (See APPENDIX E located at the end of this chapter). (3-18-22)

~~d.~~ All drop structures shall be constructed to facilitate fish passage and centralized scour pool development. (3-18-22)

c. Design slopes for drop structures will not exceed more than four percent (4%) of the average slope of the project stream reach. Average slope will be observed over a minimum length upstream and downstream of the project reach, which is equal to the project reach length. ()

02. Sills. A sill shall be constructed of the same material and in the same manner as a drop structure. The top of the sill may not exceed the elevation of the bottom of the channel. ~~The purpose of a sill is to halt the upstream movement of a headcut, thus precluding the widening or deepening of the existing channel.~~ (Ssee APPENDIX ~~FG~~ located at the end of this chapter). (3-18-22)()

03. Barb or Partial Drop Structure. A barb or partial drop structure shall be constructed in the same

manner and of the same material as a drop structure and placed into the stream channel to act as a low level dam and grade control structure. The barb will decrease stream gradient, dissipate stream energy, and redirect stream flow. Barb or partial drop structures shall comply with the following criteria: (3-18-22)()

a. Barbs ~~shall~~ will be constructed of large, woody material and/or clean, sound, dense, angular rock ~~fragments~~, of size and gradation such that the stream is incapable of moving the material during peak flows. (3-18-22)()

~~b. Barbs shall be constructed with a downstream angle of no less than one hundred (100) degrees and no greater than one hundred thirty-five (135) degrees unless otherwise specified.~~ (3-18-22)

~~eb.~~ Barbs ~~shall~~ will “extend” into the channel a distance of not more than twenty percent (20%) of the width of the channel unless otherwise specified by the Director. (3-18-22)()

~~ec.~~ Barbs ~~shall~~ will be keyed into the bank a distance equal to or greater than the width of the structure and down to bed level. Whenever moisture is encountered in the construction of the keyways, willow cuttings or clumps ~~shall~~ will be placed before and during rock placement in such a manner that the base of the cutting is in permanent moisture and the top extends a minimum of six (6) inches above grade (see APPENDIX ~~GH located at the end of this chapter~~). (3-18-22)()

~~059~~61. CULVERTS AND BRIDGES ~~(RULE 59)~~.

01. **Culverts and Bridges.** Culverts and bridges shall be capable of carrying streamflows and shall not ~~significantly~~ alter conditions upstream or downstream ~~by~~ causing flooding, turbidity, or other problems. The appearance of such installations shall not detract from the natural surroundings of the area. (3-18-22)()

02. **Location of Culverts and Bridges.** Culverts and bridges should be located so that a direct line of approach exists at both the entrance and exit. Abrupt bends at the entrance or exit shall not exist unless suitable erosion protection is provided. (3-18-22)

03. **Ideal Gradient.** The ideal gradient (bottom slope) is one which is steep enough to prevent silting but flat enough to prevent scouring due to high velocity flows. It is often advisable to make the gradient of a culvert or stream channel under a bridge coincide with the average streambed gradient. (3-18-22)()

a. Where a culvert is installed on a slope steeper than twenty percent (20%), provisions to anchor the culvert in position will be required. Such provisions shall be included in the application and may involve the use of collars, headwall structures, etc. Smooth concrete pipe having no protruding bell joints or other irregularities shall have such anchoring provisions if the gradient exceeds ten percent (10%). (3-18-22)

b. Culverts and bridges shall be designed to pass the stream’s natural sediment and debris load through the structure and shall be protected from scour at the entrance and exit. ()

04. **Size of Culvert or Bridge Opening.** The size of the culvert or bridge opening shall be such that it is capable of passing design flows without overtopping the structure or streambank ~~or~~ and causing flooding or other damage. (3-18-22)()

~~a.~~ Design flows shall be based upon the following minimum criteria:

Drainage Area	Design Flow Frequency
Less than 50 sq. mi.	25 Years
Over 50 sq. mi. or more	50 years or greatest flow of record, whichever is more

(3-18-22)

~~b.~~ For culverts and bridges located on U.S. Forest Service or other federal lands, the sizing should

~~comply with the Forest Practices Act as adopted by the federal agencies or the Department of Lands.~~ (3-18-22)

~~e. For culverts or bridges located in a community qualifying for the national flood issuance program, the minimum size culvert shall accommodate the one hundred (100) year design flow frequency.~~ (3-18-22)

~~a. For all bridges with less than a 20-foot opening, one (1) foot of freeboard shall be provided for the 50-year flow, and the 100-year flow shall not contact the bridge's low chord. For all bridges with an opening 20-feet or greater, two (2) feet of freeboard shall be provided for the 50-year flow, and the 100-year flow shall not contact the bridge's low chord. The requirement that the 100-year flow shall not contact the bridge's low chord may need to be increased in areas where ice passage or design may be a problem.~~ ()

~~b. All culverts must be designed such that the 100-year flow can be passed without overtopping the culvert. Alternatively, pressure flow on the culvert is allowed provided engineering is submitted for the culvert design including details on fill material, compaction methods, embankment protection, and inlet/outlet protection. In this case, the following criteria must be met:~~ ()

~~i. Pressure flow culverts shall be designed so that the ratio of the headwater (HW) to diameter (D) during the 25-year flow is less than or equal to one point twenty-five $1.25 (HW/D \leq 1.25)$ and;~~ ()

~~ii. The 100-year flow can be passed through the culvert without overtopping the roadway.~~ ()

~~c. If the culvert or bridge design is impractical for the site, the crossing may be designed with additional flow capacity outside the actual crossing structure, provided there is no increase in the Base Flood Elevation.~~

(NOTE: When flow data on a particular stream is unavailable, it is almost always safe to maintain the existing gradient and cross-section area present in the existing stream channel. Comparing the proposed crossing size with others upstream or downstream is also a valuable means of obtaining information regarding the size needed for a proposed crossing.) (3-18-22)

~~ed. Minimum clearance shall be at least one (1) foot at all bridges. This may need to be increased substantially in the areas where ice passage or debris may be a problem.~~ Minimum culvert sizes required for stream crossings: (3-18-22)()

i. Eighteen (18) inch diameter for culverts up to seventy (70) feet long; (3-18-22)

ii. Twenty-four (24) inch diameter for all culverts over seventy (70) feet long. (3-18-22)

~~iii. For culverts and bridges located on federal or state lands, or private lands regulated under the Forest Protection Act (FPA), the sizing and other requirements should comply with the FPA as adopted by the federal agencies or IDL.~~ ()

~~05. Fish Passage.~~ In streams where fish passage is of concern as determined by the ~~d~~Director, an applicant shall comply with the following provisions and/or other approved criteria to ensure that passage will not be prevented by a proposed crossing. (3-18-22)()

~~ga. Minimum water depth shall be approximately eight (8) inches for salmon and steelhead and at least three (3) inches in all other cases. Water depth from a representative upstream riffle may be used in cases where the previous depth requirements cannot be met due to lack of sufficient water.~~ (3-18-22)()

~~hb. Maximum flow velocities for streams shall not exceed those shown in Figure 17 in APPENDIX H,~~ located at the end of this chapter, for more than a forty-eight (48) hour period. The curve used will depend on the type of fish to be passed. (3-18-22)()

~~ic. Where it is not feasible to adjust the size or slope to obtain permissible velocities, the following precautions may be utilized to achieve the desired situation:~~ (3-18-22)()

~~ji. Baffles downstream or inside the culvert may be utilized to increase depth and reduce velocity.~~

Design criteria may be obtained from the Idaho Department of Fish and Game ~~Department~~. (3-18-22)()

kii. Where multiple openings for flow are provided, baffles or other measures used in one (1) opening only shall be adequate provided that the opening is designed to carry the main flow during low-flow periods. (3-18-22)

d. Where fish passage must be provided, upstream drops at the entrance to a culvert will not be permitted and a maximum drop of one (1) foot will be permitted at the downstream end if an adequate jumping pool is maintained below the drop. ()

e. Downstream control structures such as are shown in Figure 18 in APPENDIX J can be used to reduce downstream erosion and improve fish passage. ()

056. **Construction of Crossings.** When crossings are constructed in erodible material, upstream and downstream ends shall be protected from erosive damage through the use of such methods as ~~dumped~~ rock riprap, headwall structures, etc., and such protection shall extend below the erodible streambed and into the banks at least two (2) feet unless some other provisions are made to prevent undermining. (3-18-22)()

~~a.~~ ~~Where fish passage must be provided, upstream drops at the entrance to a culvert will not be permitted and a maximum drop of one (1) foot will be permitted at the downstream end if an adequate jumping pool is maintained below the drop.~~ (3-18-22)

~~b.~~ ~~Downstream control structures such as are shown in Figure 18 in APPENDIX I, located at the end of this chapter, can be used to reduce downstream erosion and improve fish passage. They may be constructed with gabions, pilings and rock drop structures.~~ (3-18-22)

067. **Multiple Openings.** Where a multiple opening will consist of two (2) or more separate culvert structures, they shall be spaced far enough apart to allow proper compaction of the fill between the individual structures. The minimum spacing in all situations shall be one (1) foot. In areas where fish passage must be provided, only one (1) opening shall be constructed to carry all low flows. Low flow baffles may be required to facilitate fish passage. (3-18-22)()

078. **Areas to be Filled.** All areas to be filled shall be cleared of vegetation, topsoil, and other unsuitable material prior to placing fill. Material cleared from the site shall be removed and disposed of ~~above the high water line of the stream~~ at a location outside the channel where it cannot reenter the channel. Fill material shall be reasonably well-graded and compacted and shall not contain large quantities of silt, sand, organic matter, or debris. In locations where silty or sandy material must be utilized for fill material, it will be necessary to construct impervious sections both upstream and downstream to prevent the erodible sand or silt from being carried away (see Figure 19, APPENDIX ~~JK, located at the end of this chapter~~). Sideslopes for fills shall not exceed one and one half to one (1.5:1). Minimum cover over all culvert pipes and arches shall be one (1) foot. (3-18-22)()

089. **Installation of Pipe and Arch Culvert.** All pipe and arch culverts shall be installed in accordance with manufacturer's recommendations. (3-18-22)

a. The culvert shall be designed so that headwaters will not rise above the top of the culvert entrance unless a ~~headworks~~ headwall is provided. (3-18-22)()

0602. **REMOVAL OF SAND AND GRAVEL DEPOSITS** ~~(RULE 60).~~

01. **Removal of Sand and Gravel.** This work consists of removal of sand and gravel deposits from within a stream channel. The following conditions shall be adhered to unless other methods have been specified in detail on the application and approved by the Director. (3-18-22)

02. **Removal Below Water Surface.** Sand and gravel must not be removed below the water surface existing at the time of the work. ~~Where work involves clearing~~ When introducing flow to a new or restored channel for flow, removal of material below water level will be permitted to allow this flow to occur; however, this must not be done until all other work in the new channel has been completed. (3-18-22)()

03. Buffer Zone. A buffer zone of undisturbed streambed material at least five (5) feet in width or as otherwise specified by the Director shall be maintained between the work area and the existing stream. The applicant shall exercise reasonable precautions to ensure that turbidity is kept to a minimum and does not exceed state water quality standards. (3-18-22)

~~**04. Movement of Equipment.** Equipment may cross the existing stream in one (1) location only, but shall not push or pull material along the streambed while crossing the existing stream. (3-18-22)~~

~~**05. Disturbing Natural Appearance of Area.** Work must be done in a manner that will least disturb the natural appearance of the area. Sand and gravel shall be removed in a manner that will not leave unsightly pits or other completely unnatural features at the conclusion of the project. (3-18-22)~~

~~**06.3. SMALL SCALE MINING WITH SUCTION DREDGES, POWERED SLUICES, OR NON-POWERED EQUIPMENT (RULE 61).**~~

01. Small Scale Mining Permit. The Director may issue a permit for the operation of a powered suction dredge or power sluice, or certain qualified non-powered mining activities that follow minimum standards (~~Rule 61~~), within stream channels designated as open by the Department or Board. A powered suction dredge or power sluice shall only be operated in accordance with the conditions of the Small Scale Mining Permit. A power sluice and a high-banker are synonymous for the purposes of these rules. (3-18-22) ()

02. Standards for Small Scale Mining Permits. The following standards shall apply only to uses of suction dredges and power sluices below the mean high water mark with nozzle diameters of five (5) inches or less and powered equipment rated at fifteen (15) HP or less, or the use of non-powered sluice equipment moving more than one-quarter (1/4) cubic yard per hour. (3-18-22)

03. Powered Equipment Prohibited Below High Water Mark. There shall be no use of powered equipment below the mean high water mark except for the suction dredge, or power sluice and any human life support system necessary to operate the suction dredge or power sluice. (3-18-22)

04. Protection of Streambanks. The operation of a suction dredge or power sluice, or the use of non-powered equipment shall be carried out in a manner that prevents the undercutting of streambanks. (3-18-22)

05. Permit Required for Certain Non-Powered Operations. A Small Scale Mining Permit is required for non-powered mining activities when those activities include: (1) the use of non-powered equipment by more than five (5) people mining the same area; or (2) the use of non-powered equipment where the disturbed area at the mining location exceeds thirty three (33) percent of the width of the wetted stream channel. (3-18-22)

06. Limitation of Mining Sites. Only one (1) mining site per one hundred (100) linear feet of stream channel shall be worked at one (1) time unless waived by the Director. (3-18-22)

~~**06.2. PILING (RULE 62).**~~

~~**01. Standards for Pilings.** The following standards apply to a piling associated with a boat or swimming dock, a log boom, a breakwater, or bridge construction. (3-18-22)~~

~~**02. Replacement of Pilings.** In replacing a piling the old piling shall be completely removed from the channel, secured to the new piling or cut at stream bed level. (3-18-22)~~

~~**03. Condition of Pilings.** Chemicals or compounds used for protection of piles and lumber shall be thoroughly dried to prevent bleeding, weeping or dissolution before placing such piles and lumber over, in or near water. (3-18-22)~~

~~**04. Prohibited Materials.** The application of creosote, arsenicals or phentachlorophenol (Penta) to timber shall not occur in, or over water. (3-18-22)~~

~~063. PIPE CROSSINGS (RULE 63).~~

~~01. Standards for Pipe Crossings.~~ The following standards apply to pipe crossings to be installed below the bed of a stream or river such as utility crossings of a gas line, sewer line, electrical line, communication line, water line or similar line. (3-18-22)

~~02. Depth of Line.~~ The line shall be installed below the streambed to a depth which will prevent erosion and exposure of the line to free flowing water. In areas of high stream velocity where scouring may occur, the pipe shall be encased in concrete or covered with rock riprap to prevent the pipeline from becoming exposed. (3-18-22)

~~03. Pipe Joints.~~ The joints shall be welded, glued, cemented or fastened together in a manner to provide a water tight connection. (3-18-22)

~~04. Construction Methods.~~ Construction methods shall provide for eliminating or minimizing discharges of turbidity, sediment, organic matter or toxic chemicals. A settling basin or cofferdam may be required for this purpose. (3-18-22)

~~05. Cofferdam.~~ If a cofferdam is used, it shall be completely removed from the stream channel upon completion of the project. (3-18-22)

~~06. Revegetation of Disturbed Areas.~~ Areas disturbed as a result of the alteration shall be revegetated with plants and grasses native to these areas. (3-18-22)

~~064. CONCRETE PLANK BOAT LAUNCH RAMPS (RULE 64).~~

~~01. Construction of Concrete Plank Boat Launch Ramps.~~ Concrete plank boat launch ramps, shall be constructed with individual sections of precast, reinforced concrete planks linked together to provide a stable non-erosive water access (see Figure 20, APPENDIX K, located at the end of this chapter). (3-18-22)

~~02. Construction of Concrete Planks.~~ Typical concrete plank size is twelve feet by fourteen inches by four inches (12' x 14" x 4"). All planks shall be constructed with Type II low alkali cement. All planks shall have a broom form finish, free of rock pockets and loose materials. Figures 21 and 22 shows a typical launch plank detail. (See APPENDIXES L and M). (3-18-22)

~~03. Assembly of Planks.~~ The planks shall be assembled out of the water and slid into place on a constructed launch ramp where water velocities do not exceed two (2) feet per second. In waters exceeding (2) feet per second the ramp sections shall be linked together and fastened to pre positioned stringers anchored into the launch ramp. (See Figure 23, APPENDIX N, located at the end of this chapter). (3-18-22)

~~04. Water Depth.~~ The water depth above the lower end of the ramp section shall not be less than three (3) feet during low level or low flow periods. (See Figure 20, APPENDIX K, located at the end of this chapter). (3-18-22)

~~05. Construction of Boat Ramp.~~ The boat launch ramp shall have a base constructed of sound, dense, durable, angular rock resistant to weathering and free from soil, shale and organic materials. Rounded cobbles, boulders and streambed material are not acceptable as base material in areas with stream flow velocities greater than two (2) fps. Base materials shall be covered with a layer of (three-fourths inches (3/4") min.) crushed rock with a minimum depth of two inches (2"). The ramp shall have a minimum and maximum slope of ten percent (10%) and fifteen percent (15%) respectively, and shall be constructed in a manner to avoid long incursions into the stream channel. All ramps and fill material shall be protected with rock riprap in accordance with Rule 057 when stream flow velocities exceed two (2) fps. (See Figure 24, APPENDIX O, located at the end of this chapter). (3-18-22)

~~065.—069. (RESERVED)~~

~~070. HEARINGS ON DENIED, LIMITED, OR CONDITIONED PERMIT OR OTHER DECISIONS OF THE DIRECTOR (RULE 70).~~

Any applicant who is granted a limited or conditioned permit, or who is denied a permit, may seek a hearing on said action of the Director by serving on the Director written notice and request for a hearing before the Board within fifteen (15) days of receipt of the Director's decision. Said hearing will be set, conducted, and notice given as set forth in the Rules promulgated by the Board under the provisions of Title 67, Chapter 52, Idaho Code. (3-18-22)

07164. -- 999. (RESERVED)

APPENDIX A
~~Table 1A~~

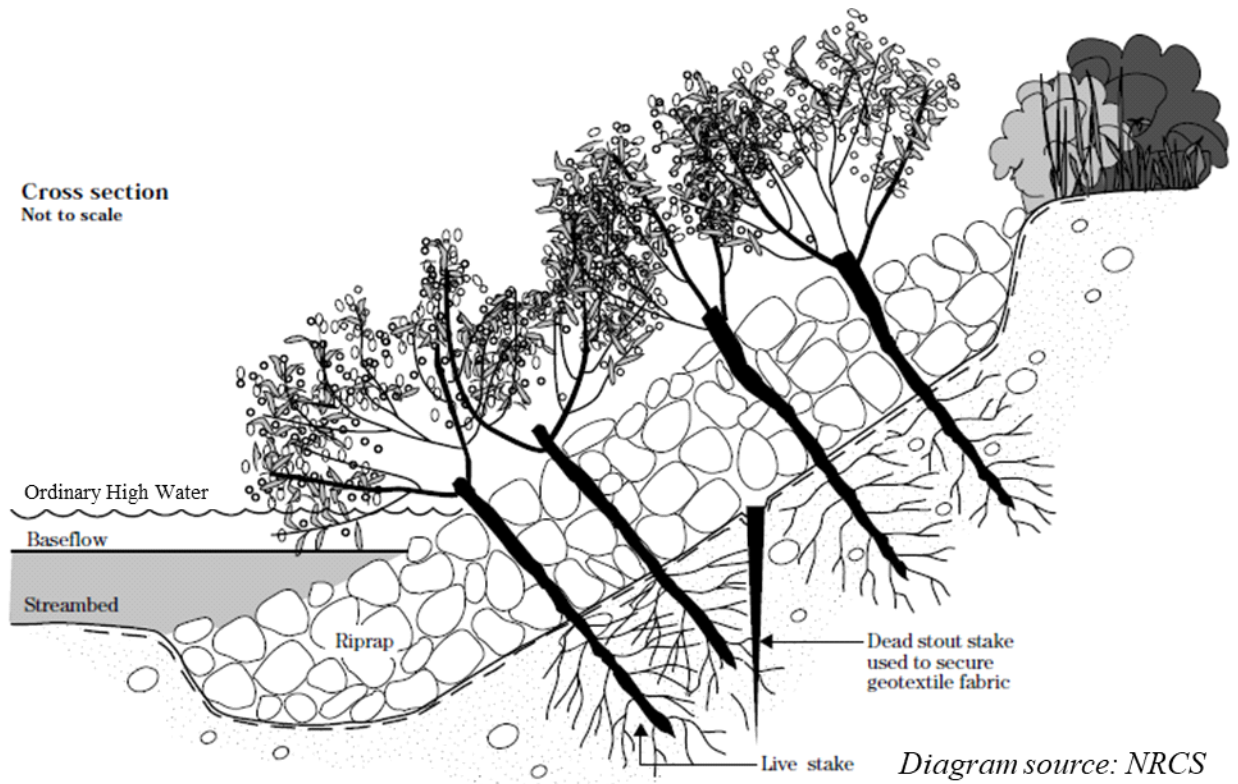
Riprap Gradation Using FWS Method

% Finer by Weight (Lbs.)	Minimum Size (Lbs.)	Maximum Size (Lbs.)
D ₁₀₀	1.33 X D ₇₅	2.0 X D ₇₅
D ₇₅	1.0 X D ₇₅	1.67 X D ₇₅
D ₅₀	0.67 X D ₇₅	1.17 X D ₇₅
D ₂₅	0.33 X D ₇₅	0.77 X D ₇₅
D ₀	None	0.33 X D ₇₅

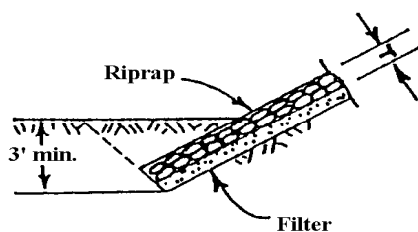
Gradation of Riprap in Pounds

<u>Max. Weight of Stone required (lbs)</u>	<u>Min. and Max. Range in weight of Stones (lbs)</u>	<u>Weight Range 75 percent of Stones (lbs)</u>
150	25 - 150	50 - 150
200	25 - 200	50 - 200
250	25 - 250	50 - 250
400	25 - 400	100 - 400
600	25 - 600	150 - 600
800	25 - 800	200 - 800
1000	50 - 1000	250 - 1000
1300	50 - 1300	325 - 1300
1600	50 - 1600	400 - 1600
2000	75 - 2000	600 - 2000
2700	100 - 2700	800 - 2700

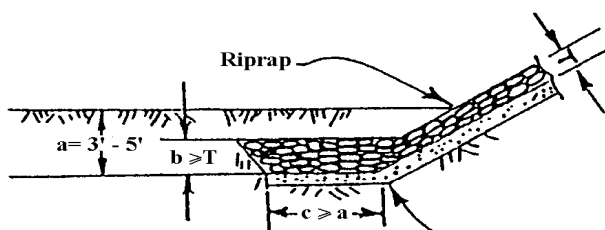
APPENDIX B



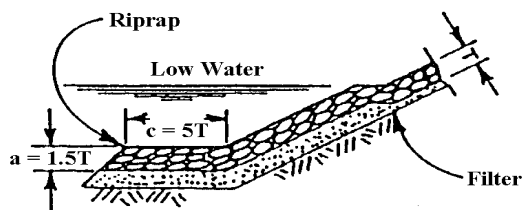
APPENDIX **BC**



METHOD 1: This is most suited to areas where the toe is dry during construction.



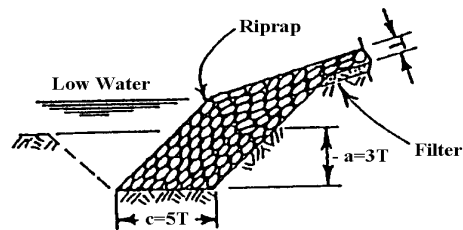
METHOD 2: Used when streambed is very wet or groundwater present makes using Method 1 impractical.



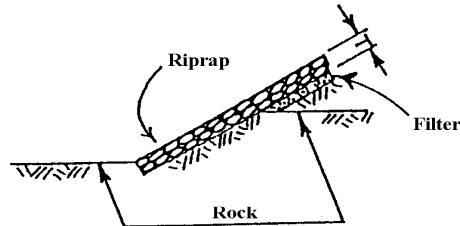
METHOD 3: Often used when toe is underwater during construction. Both Methods 2 and 3 utilize the idea that undermining will cause rock at toe blanket to settle into eroded area providing protection during scouring.

FIGURE 2. Acceptable toe protection

APPENDIX BC (CONTINUED)



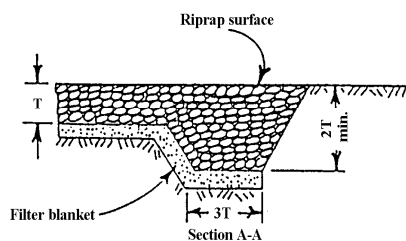
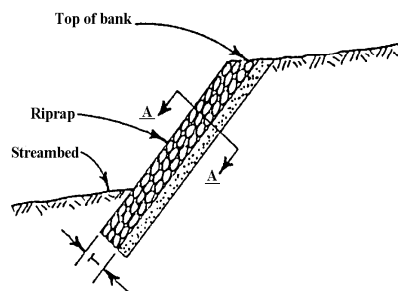
METHOD 4: Used underwater in areas with extremely bad streambed erosion conditions which make Method 3 unfeasible. This method may also be preferred where Method 3 would destroy fish spawning beds.



METHOD 5: When the streambed is non-erodible, no special provisions for toe protection are needed other than insuring that the riprap is well keyed to the rock.

FIGURE 2. Acceptable toe protection *continued*

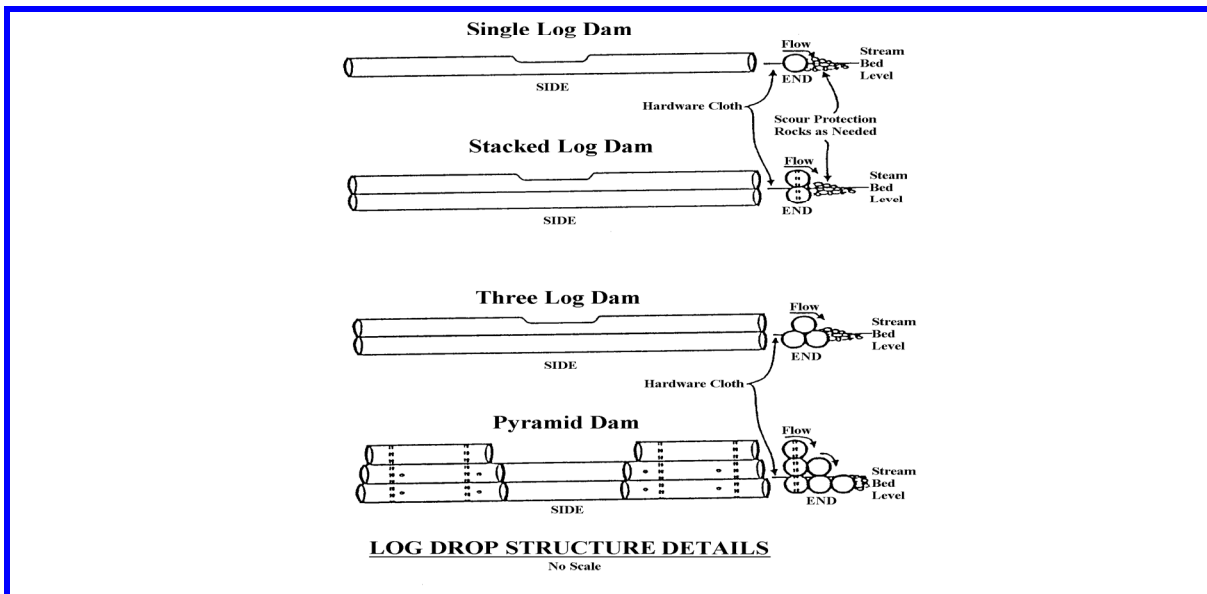
APPENDIX



View shown above is cross section at end of
riprap looking down along the sideslope toward
streambed.

FIGURE 3. Protection against undermining

APPENDIX E



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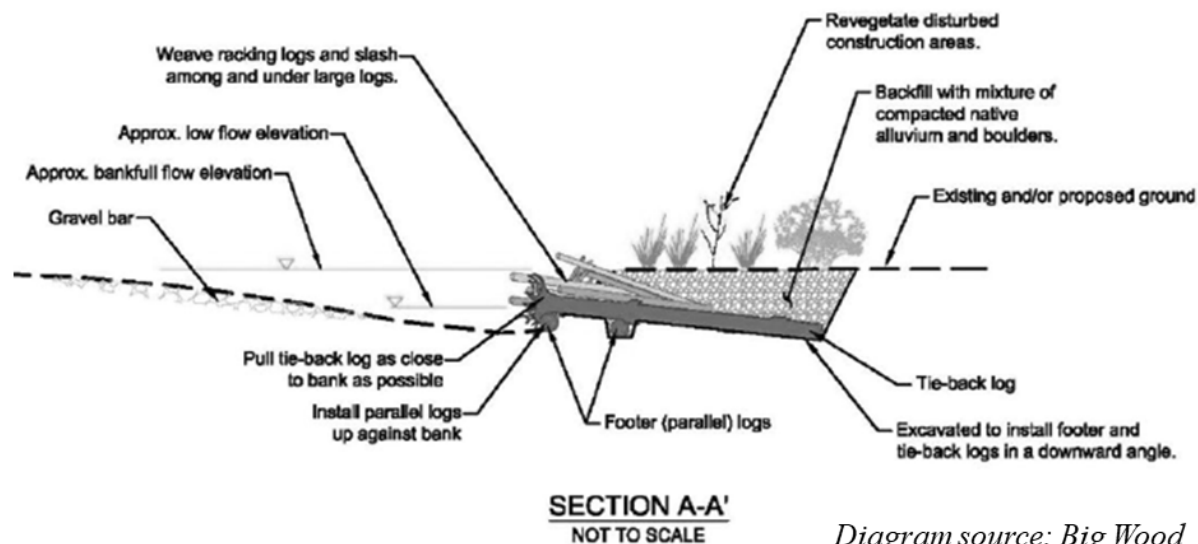


Diagram source: Big Wood River Atlas (2020), Cardno

APPENDIX E (CONTINUED)

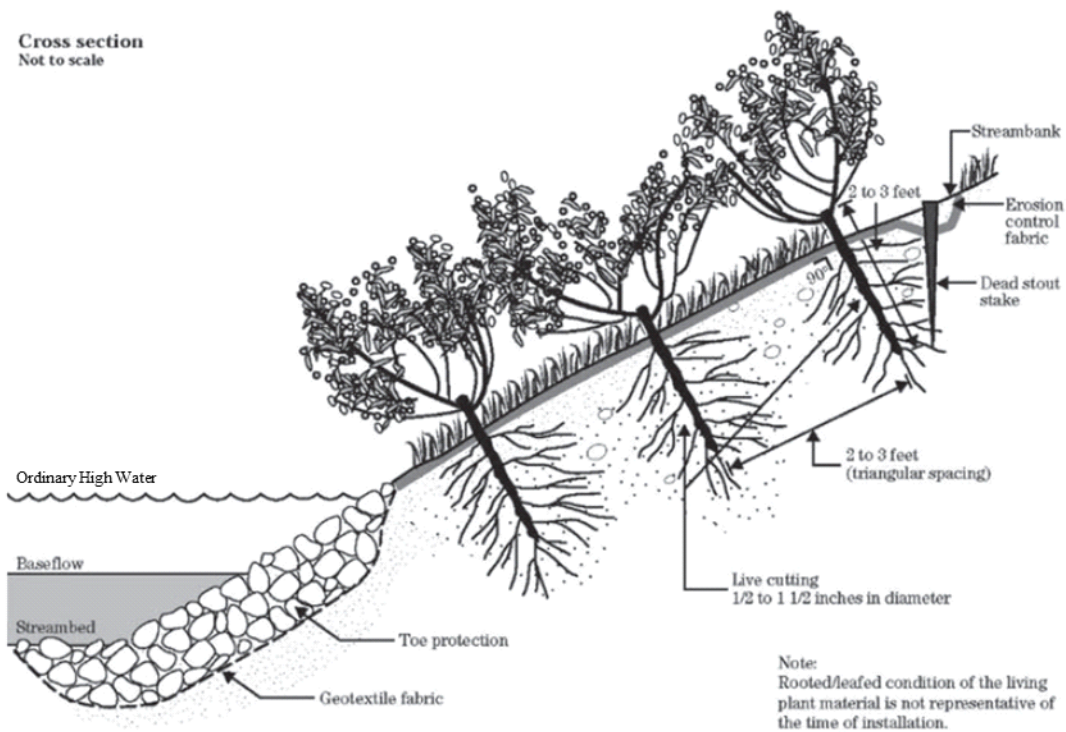


Diagram source: NRCS

APPENDIX E (CONTINUED)

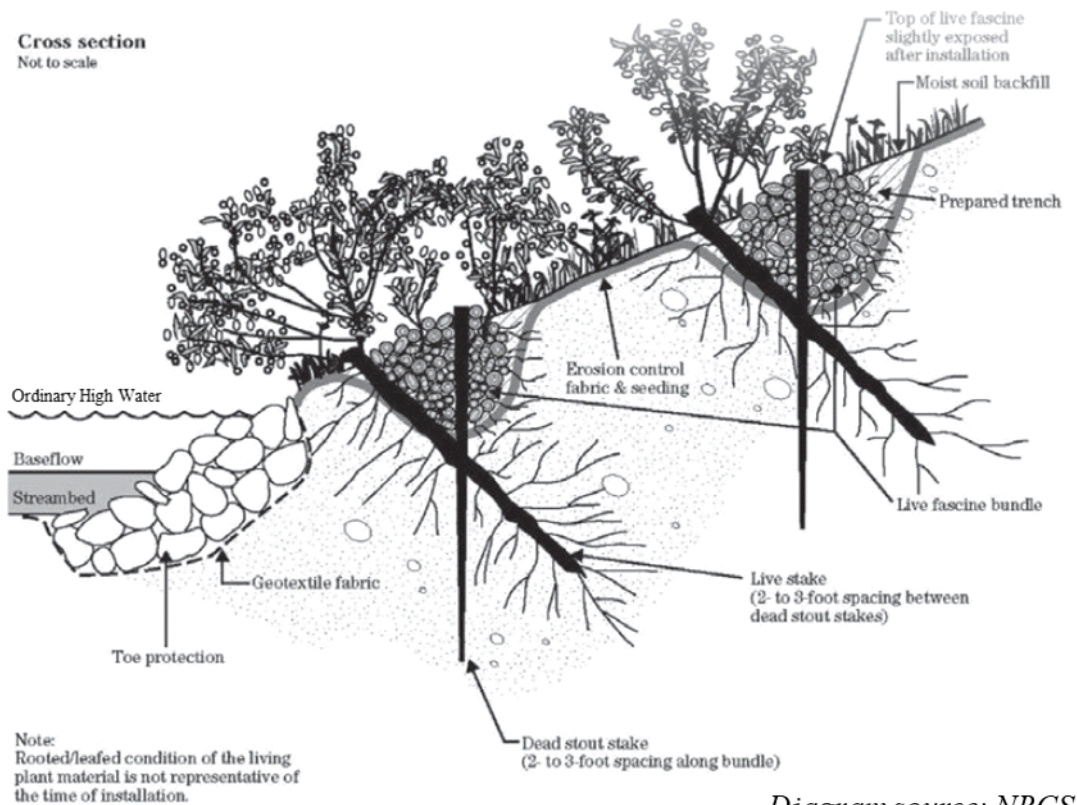
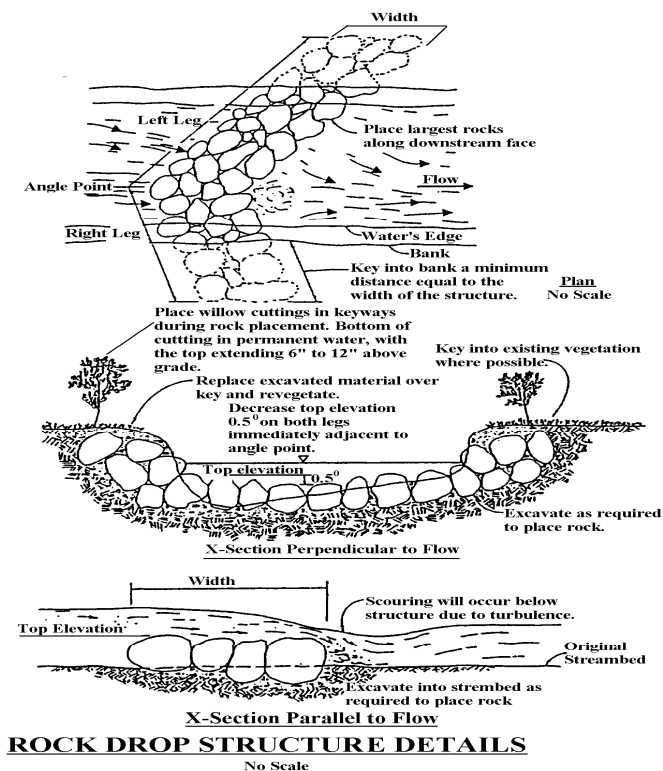
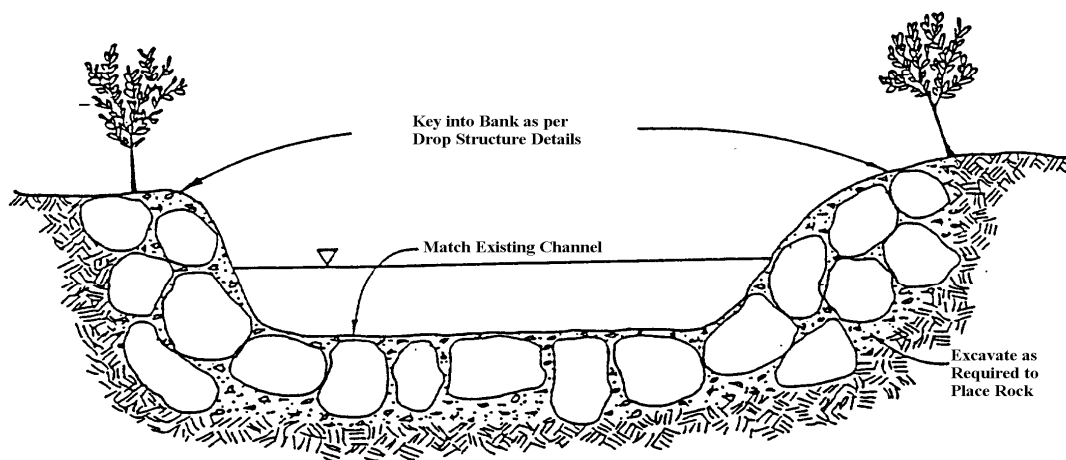


Diagram source: NRCS

APPENDIX **DE**



APPENDIX **FG**

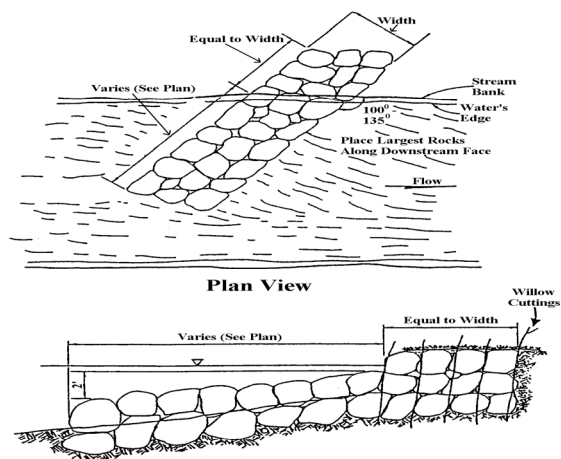


X-Section Perpendicular to Flow

SILL DETAILS

No Scale

APPENDIX **GH**



Plan View

Longitudinal Cross Section

BARB DETAILS

No Scale

APPENDIX **H**

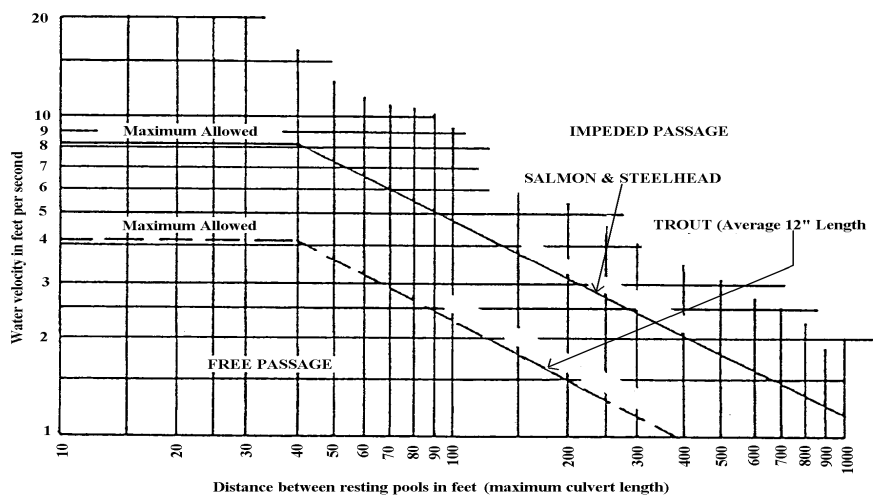
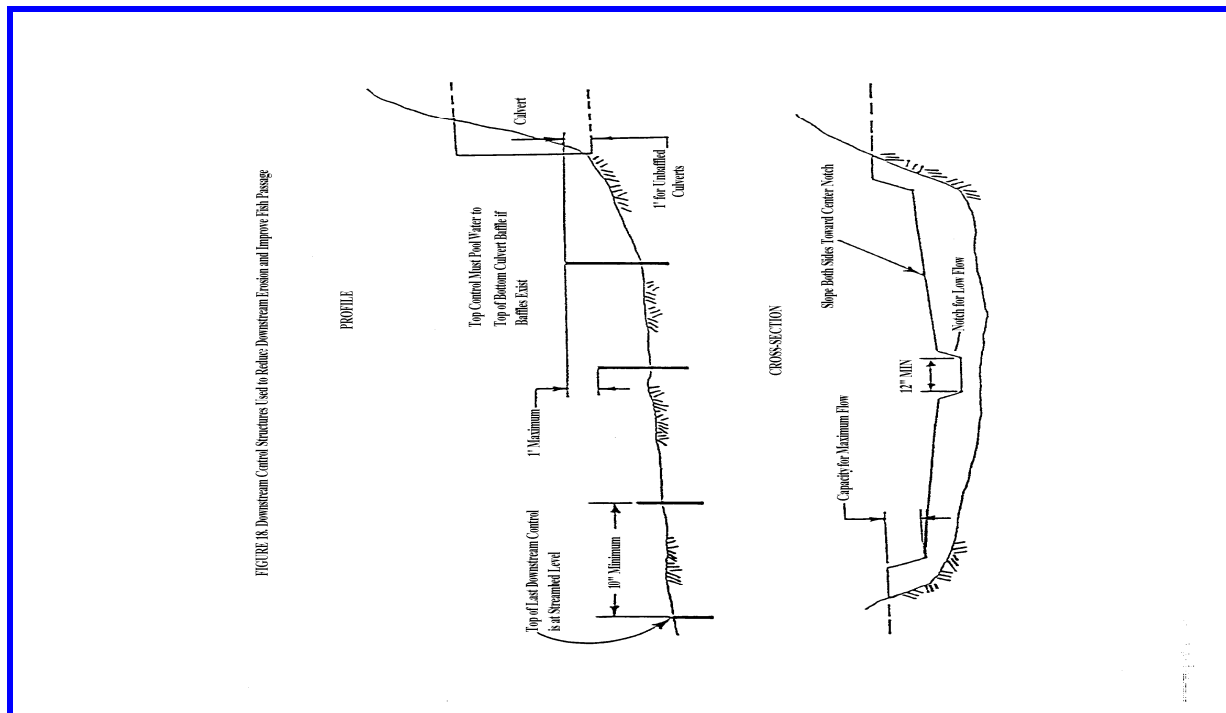


FIGURE 17. Swimming capability of migrating salmon and trout
(Alaskan Curve)

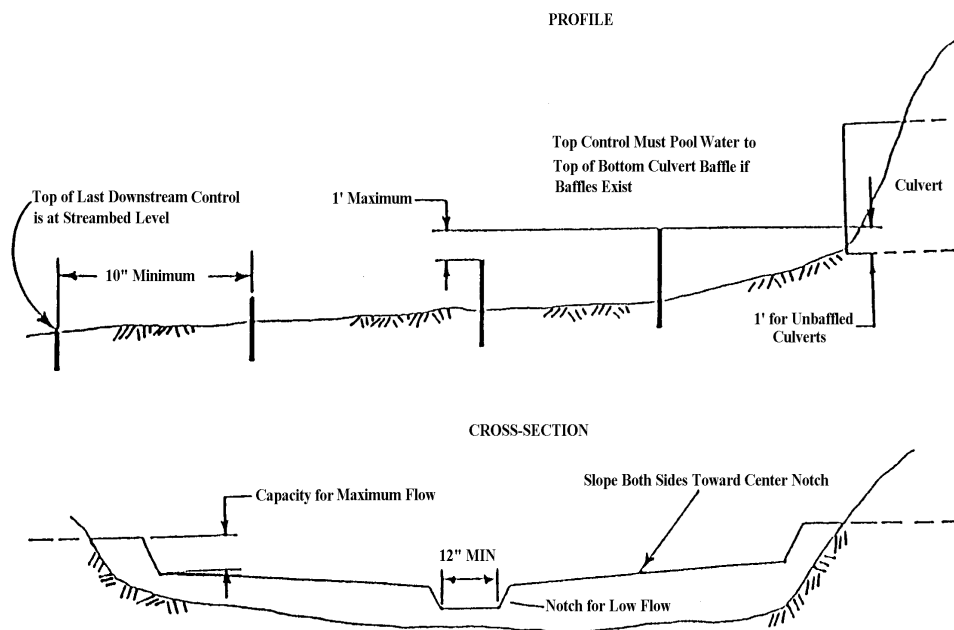
APPENDIX I



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APPENDIX **KJ**

FIGURE 18. Downstream Control Structures Used to Reduce Downstream Erosion and Improve Fish Passage



APPENDIX ~~J~~K

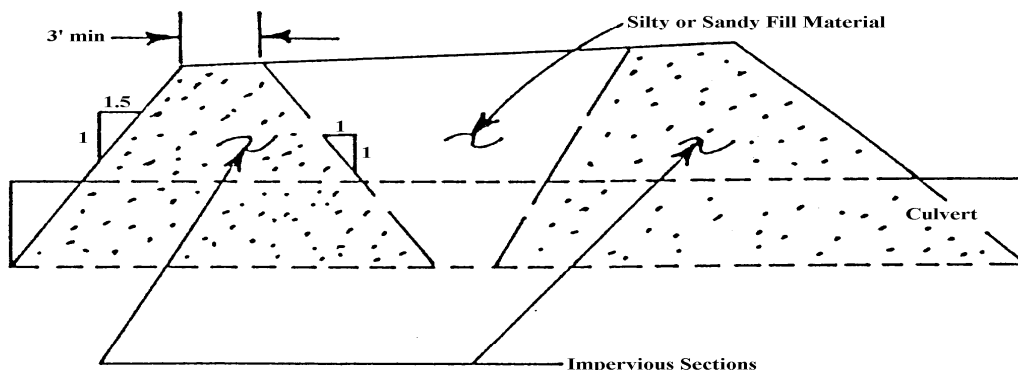
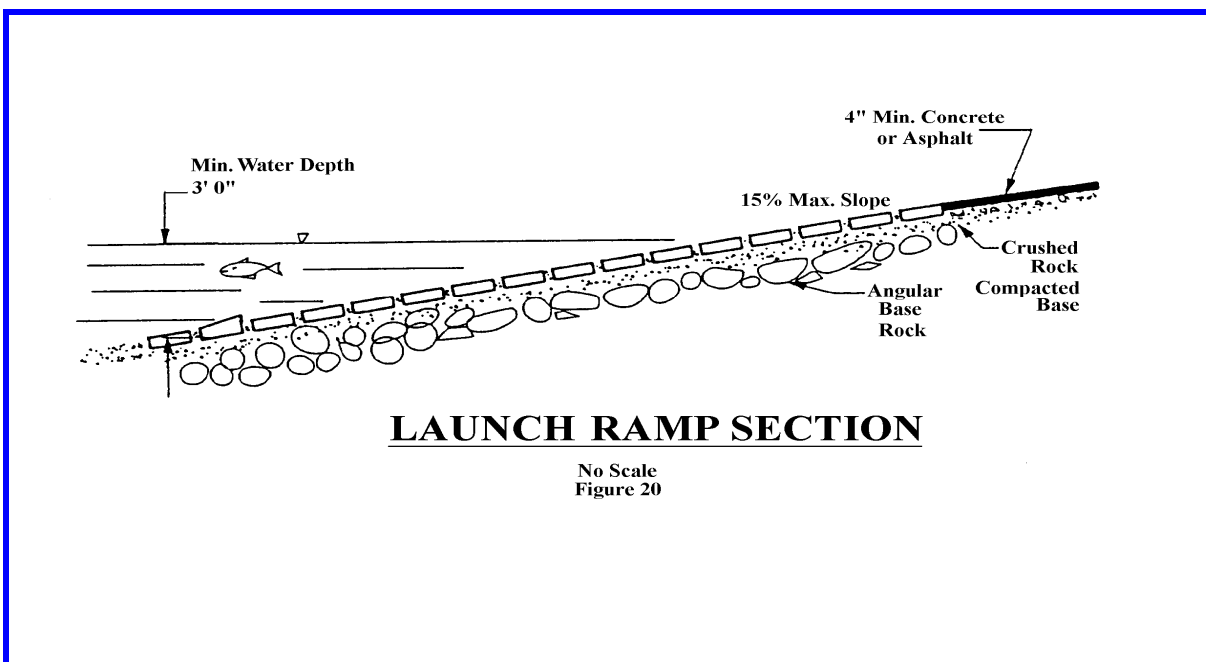


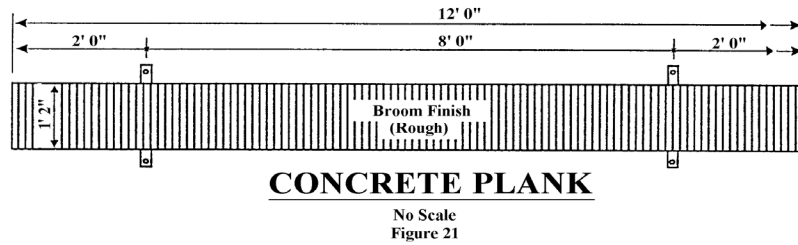
FIGURE 19. Culvert Backfill Using Silty or Sandy Material

~~APPENDIX K~~



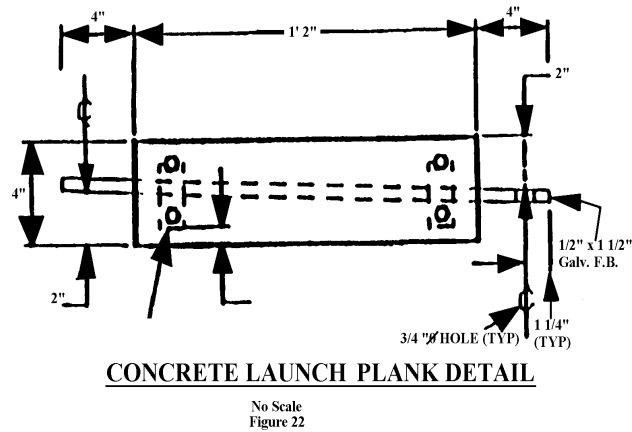
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APPENDIX L



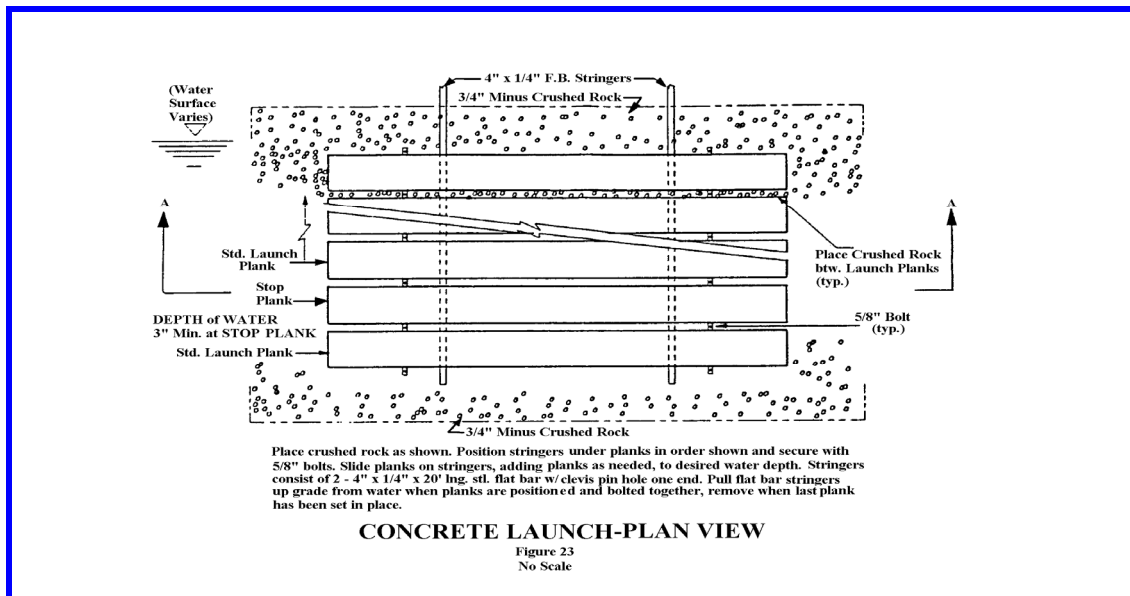
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APPENDIX M



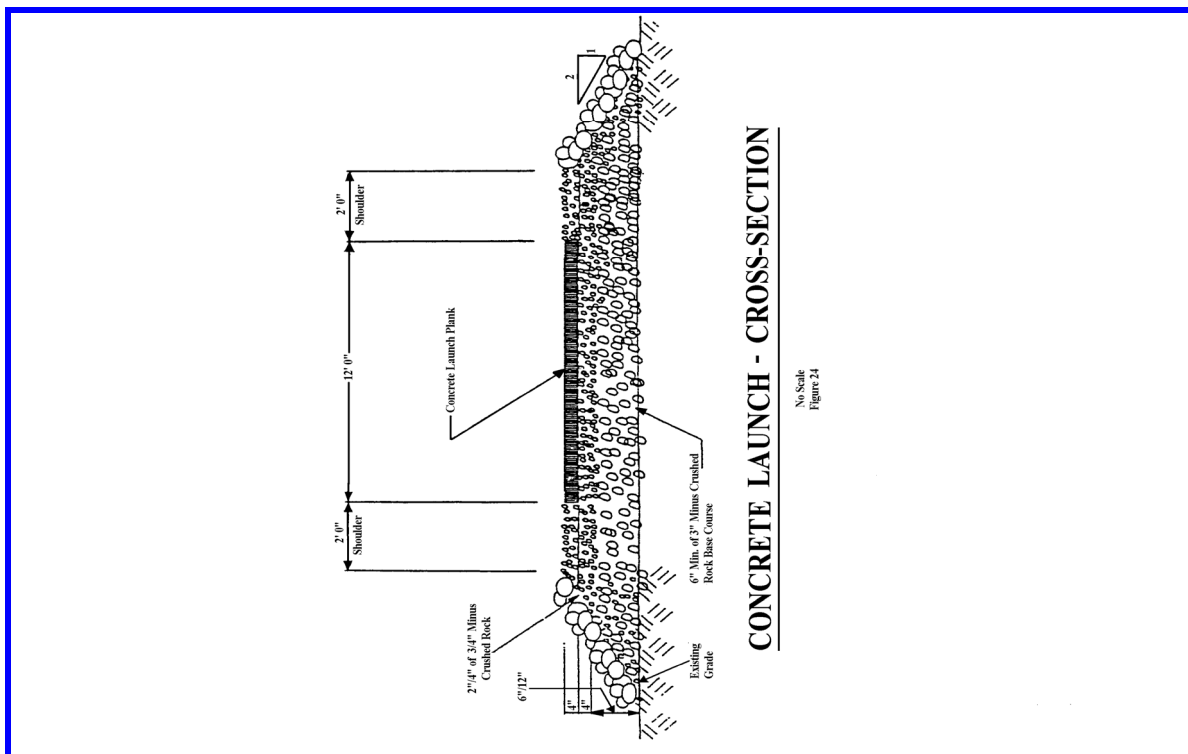
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APPENDIX N



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APPENDIX O



[Above Appendix Proposed to be Deleted]

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.03.12 – IDAHO DEPARTMENT OF WATER RESOURCES WATER DISTRIBUTION RULES – WATER DISTRICT 34

DOCKET NO. 37-0312-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 42-1805\(8\)](#), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, no later than October 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing, to the agency address below.

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

The Idaho Department of Water Resources (IDWR) initiated this rulemaking in compliance with [Executive Order No. 2020-01, Zero-based Regulation \(ZBR\)](#) (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, must be reviewed by the promulgating agency over a five-year period. This review is being conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at https://adminrules.idaho.gov/rulemaking_templates/ZBR%20Rule%20Review%205%20Year%20Schedule.pdf. This rule chapter was scheduled for review in 2025.

With this Notice, IDWR proposes a rewritten chapter of the Idaho Department of Water Resources Water Distribution Rules – Water District 34. The rewritten chapter is 13% shorter than the existing rule chapter due to both internal agency analysis and external stakeholder negotiation, commentary, and editing. Changes to the rule clarify the procedures for distributing water in Water District 34 in the Big Lost River Basin. IDWR believes the rules provide consistent and efficient distribution of surface water and groundwater to water rights in Water District 34.

The development of the proposed rule text through two publicly-released preliminary rule draft iterations may be viewed at: <https://idwr.idaho.gov/legal-actions/rules/idwr-rulemaking-2025-2026/water-district-34-rules/>. On the same website, IDWR also developed and published rulemaking support documents, which provide IDWR's recommendations on rulemaking, rulemaking analysis, and responses to substantive comments received through the negotiated rulemaking process.

After consideration of public comments received in response to this Proposed Rule, IDWR will present the final rule text to the Idaho Legislature in the early spring of 2026.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 2, 2025, Idaho Administrative Bulletin, [Vol. 25-4, pages 45-46](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Erik Boe at Erik.Boe@idwr.idaho.gov, (208) 287-4800.

Anyone may submit written comments regarding this proposed rulemaking by mail to the address below or by email to rulesinfo@idwr.idaho.gov. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2025.

DATED this 29th day of August, 2025.

Erik Boe, Water Compliance Bureau Chief, Rules Regulation Officer
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720 Boise, ID 83720-0098
Phone: (208) 287-4800

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 37-0312-2501
(ZBR Chapter Rewrite.)

37.03.12 – IDAHO DEPARTMENT OF WATER RESOURCES WATER DISTRIBUTION RULES –
WATER DISTRICT 34

000. LEGAL AUTHORITY ~~(RULE 0)~~.

~~The Idaho Department of Water Resources (IDWR) is authorized under Section 42-603, Idaho Code, to adopt rules for the distribution of water from the streams, rivers, lakes, ground water and other natural water sources.~~
(3-31-22)()

001. SCOPE ~~(RULE 1)~~.

~~This rule governs~~ These rules set procedures for the distribution of surface and ground water within Water District 34, the Big Lost River Basin, ~~by the duly appointed watermaster pursuant to the provisions of Chapter 6, Title 42, Idaho Code, and applicable court decrees. This chapter does not limit the authority of the Director of the Idaho Department of Water Resources in exercising the duties and responsibilities in other provisions of Idaho law.~~ (3-31-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS ~~(RULE 10)~~.

~~For the purposes of these rules, the following terms will be used as defined below.~~ In addition to the definitions found in Section 42-111 and Section 42-1401A, the following apply: (3-31-22)()

01. 2-B Gage. The U.S. Geological Survey (USGS) gaging station (13127000) located below Mackay Dam in the SW1/4SW1/4NE1/4, Section 18, Township 7 North, Range 24 East, B.M. The official USGS name is the Big Lost River BL Mackay Res nr Mackay ID gage. (3-31-22)()

02. Acre-Foot (AF). ~~The unit commonly used to measure a~~ A volume of water ~~which is equal to the amount of water sufficient to cover one (1) acre of land one (1) foot deep and is equal to forty-three thousand five hundred sixty (43,560) cubic feet or three hundred twenty-five thousand eight hundred fifty-one (325,851) gallons.~~
(3-31-22)()

~~03. Acre-Foot Per Year (AFY). Acre foot per calendar year.~~ (3-31-22)

043. Arco Gage. The ~~U.S. Geological Survey~~ USGS gaging station (13132500) located near the town of

Arco in the SW1/4SE1/4SW1/4, Section 17, Township 3 North, Range 27 East, B.M.

(3-31-22)()

054. Cubic Foot Per Second (CFS). ~~The unit used to express a~~ A rate of flow of ~~water~~ approximately equal to ~~fifty (50) miner's inches or about~~ four hundred forty-eight and eight tenths (448.8) gallons per minute. and also equal to fifty (50) miner's inches.

(3-31-22)()

065. Delivery Call. A request from the ~~holder of a water right~~ water user for administration of water rights under the prior appropriation doctrine.

(3-31-22)()

076. Director. The Director of the Idaho Department of Water Resources (IDWR) ~~or the director's duly authorized designee.~~

(3-31-22)()

087. Eastside Canal. The Eastside Canal diverts from the east side of the Big Lost River in the NW1/4SE1/4SE1/4, Section 4, Township 5 North, Range 26 East, B.M. and extends southerly to the point it discharges back into the Big Lost River in the NW1/4NW1/4NW1/4, Section 26, Township 4 North, Range 26 East, B.M.

(3-31-22)

09. Holder of a Water Right. ~~The legal owner or user pursuant to lease or contract of a right to divert or to protect in place surface or ground water of the state for a beneficial use or purpose.~~

(3-31-22)

1008. Howell Gage. The ~~U.S. Geological Survey~~ USGS gaging station (131220500) located above Mackay Reservoir in the SE1/4NE1/4NW1/4, Section 30, Township 8 North, Range 21 East, B.M.

(3-31-22)()

1409. Rotation Credit. Water impounded in Mackay Reservoir pursuant to a water right whose source of water is the Big Lost River and which does not include storage as a purpose of use. The impoundment of water as rotation credit is described in Rule Subsection 040.02. For these rules, the term "impounded" refers to rotation credit.

(3-31-22)()

12. Small Domestic and Stock Water Uses. ~~Water uses meeting the definition of Section 42-111 or Section 42-1401A(12), Idaho Code.~~

(3-31-22)

130. Storage Water. Water ~~impounded~~ stored in a storage facility, including Mackay Reservoir, pursuant to a water right which includes storage as a purpose of use. For these rules, the term "stored" refers to water owned by the Big Lost River Irrigation District.

(3-31-22)()

141. Watermaster. The duly elected and appointed state watermaster of Water District 34 who is authorized to perform duties pursuant to Chapters ~~6 and 8~~, Title 42, Idaho Code, ~~and the decree, or order for interim administration, of water rights for Basin 34.~~

(3-31-22)()

12. Water District. An instrumentality of the state of Idaho created by the Director as provided in Section 42-604, Idaho Code, for the purpose of performing the essential governmental function of distribution of water among appropriators under Idaho law.

()

13. Water User or Holder of a Water Right. The legal owner or user pursuant to a lease or contract of a right to divert or to protect in place surface or ground water of the state for a beneficial use or purpose.

()

011. -- 024. (RESERVED)

025. RIVER REACHES ~~(RULE 25).~~

01. Divisions of the Big Lost River. ~~For the purposes of quantifying river gains, losses, and calculating and accounting for natural flow, the Big Lost River is divided into the reaches identified below. Reference to a specific river reach will be by the name of the downstream station or terminus point.~~

(3-31-22)

a. Above Howell Gage.

(3-31-22)

b. Howell Gage to Chilly Bridge located in the NW1/4NE1/4NW1/4, Section 5, Township 8 North,

~~Range 22 East, B.M. (3-31-22)~~

~~e. Chilly Bridge to the 2-B Gage. (3-31-22)~~

~~d. 2-B Gage to Leslie Gage located in the NW1/4SW1/4SE1/4, Section 10, Township 6 North, Range 25 East, B.M. (3-31-22)~~

~~e. Leslie Gage to Moore diversion located in the NW1/4SE1/4SE1/4, Section 4, Township 5 North, Range 26 East, B.M. (3-31-22)~~

~~f. Moore diversion to Arco diversion located in the NW1/4NW1/4NW1/4, Section 26, Township 4 North, Range 26 East, B.M. (3-31-22)~~

~~g. Below Arco diversion to the Arco Gage. (3-31-22)~~

~~02. River Reach Computations. For each reach of the river the natural flow will be computed as the natural flow entering the reach plus gains entering the reach minus losses from the reach. The natural flow thus calculated will be allocated as described in Rule 40. (3-31-22)~~

~~031. Gage Station or Other Flow Measuring Facility. A gage station or other flow measuring facility, as approved by the director, is located at the Howell Gage, Chilly Bridge, 2-B Gage, Leslie Gage, Moore diversion, Arco diversion and Arco Gage. The Howell (13120500), 2-B (13127000), Leslie (13130300) and Arco (13132500) gages shall be maintained as part of the USGS Cooperative Program, or equivalent measurement program, and operated continuously. Water District 34 shall continue to contribute to the maintenance and operation of these gage sites in the same proportion as is currently contributed. All other gages shall be operated when water diversions, other than solely storage in Mackay Reservoir, are being made from the river. The cost of installation, operation and maintenance of these other measuring facilities is the responsibility of Water District 34. (3-31-22)()~~

026. -- 029. (RESERVED)

030. NATURAL FLOWS ~~(RULE 30)~~.

Natural flow shall be delivered through the natural river channel to the point of diversion of record, except as provided in these rules. (3-31-22)()

01. Eastside Canal. The watermaster, with the approval of the ~~d~~Director and after consultation with the Big Lost River Irrigation District, may elect to deliver the natural flow of the river through the Eastside Canal when the following conditions are met: (3-31-22)()

a. The full flow of the river, including impounded and stored water, to be delivered downstream of the Moore diversion is not greater than the capacity of the Eastside Canal. (3-31-22)()

b. More natural flow water can be delivered to calls for natural flow than could be delivered by using the natural river channel. (3-31-22)

c. No water right is injured. (3-31-22)

d. Measuring devices of a type acceptable to the ~~d~~Director are installed and maintained where the flow leaves the river channel and where it returns to the river channel. (3-31-22)()

e. When used for the delivery of natural flow to the Arco diversion, the Eastside Canal is considered to be the river channel for water delivery accounting purposes and the watermaster shall protect the natural flow for delivery to prior water rights. Water rights diverting water from the river channel downstream from the point the Eastside Canal returns to the river channel shall be measured at their point of diversion from the river downstream from the Eastside Canal return. (3-31-22)

f. Conveyance losses in the Eastside Canal, when considered to be the river channel, shall be proportioned between the river flow, the diversions from the Eastside and pumps that inject ground water into the

Eastside Canal. The proportioning will be based upon the ratio of total Eastside diversions and injected ground water to the total inflow to the canal. (3-31-22)

02. Alternate Point of Diversion. The watermaster may elect, with the approval of the ~~e~~D Director, to deliver natural flow water rights to the alternate point of diversion described in Rule Subsection 030.02.a. below when conditions in Rule Subsections 030.02.b. through 030.02.f. below are met: (3-31-22)()

a. This rule may be used to deliver water rights through the Munsey diversion located in the NW1/4NW1/4NW1/4, Section 26, Township 4 North, Range 26 East, B.M. as an alternate point of diversion for water rights with a recorded point of diversion at the McLaughlin diversion located in the NE1/4NW1/4SE1/4, Section 12, Township 3 North, Range 26 East, B.M. (3-31-22)

b. The additional delivery losses through the natural channel to the recorded point of diversion for a water right prevents delivery of natural flow to one (1) or more other water rights then calling for water. (3-31-22)

c. The user receives the same amount of water at the field headgate from the natural flow water right that would be delivered to the field headgate had the natural flow right been delivered at the recorded point of diversion. (3-31-22)

d. Delivery of the water right at the alternate point of diversion is limited to the period of time the water right could have been delivered to the recorded point of diversion based upon the natural flow available at any time delivery is called for and the loss of the river channel at the time the alternate point of diversion began to be used for the delivery of this water right. (3-31-22)

e. No water right is injured by the use of the alternate point of diversion. (3-31-22)

f. The owner of the diversion works at the alternate point of diversion and the ditch(es) used to deliver the water to the field headgate from the alternate point of diversion concurs in the use of those facilities. (3-31-22)

031. -- 034. (RESERVED)

035. MEASURING DEVICES AND CONTROL WORKS (RULE 35).

01. Installation and Maintenance of Measuring Devices and Control Works. ~~In addition to measuring devices or control works specifically described in the listing of the water right, each water user, except small domestic and stock water users from ground water, shall, at the water user's expense, install and maintain measuring devices and control works of a type acceptable to the director, at all points of diversion and any other points, as determined necessary by the director for the proper administration of the use of water. The director may prohibit or prevent the diversion of water by a water user who refuses or fails to comply with this rule in accordance with the provisions of Chapter 7, Title 42, Idaho Code. Except for domestic and stock water uses from ground water, each water user will install and maintain suitable measuring devices and controlling works at authorized water right points of diversion in accordance with Chapter 7, Title 42, Idaho Code. These devices will be installed and maintained at the water user's expense to administer water properly. The Director may prohibit the diversion of water by a water user who refuses or fails to comply with this Section in accordance with Chapter 7, Title 42, Idaho Code.~~ (3-31-22)()

02. Access to Diversion Works. Water users shall provide ~~the~~ water district staff continual access to all diversion works, measuring devices and control structures, except ground water diversions for small domestic and stock water uses. (3-31-22)()

03. Diversions Which May Be Exempt. Diversions below the Chilly Bridge and above ~~the~~ Mackay Reservoir that divert water from the Big Lost River, whose place of use is within the flood plain of the Big Lost River as determined by the ~~e~~D Director, may be exempt from the requirement for measuring devices and control works with the approval of the ~~e~~D Director. Flow rates through exempt diversions will be estimated by the watermaster for accounting purposes by assuming the recorded flow rate of the water right is being diverted. (3-31-22)()

036. -- 039. (RESERVED)

040. ALLOCATION OF NATURAL FLOW ~~(RULE 40)~~.

01. Administration of Surface Water Rights. Water not diverted or rotated for credit is available for the next in time water right. Natural flow rights are delivered to the point of diversion with no conveyance loss assessment. A natural flow water right delivered through a lateral or canal of a water conveyance entity shall be assessed the conveyance loss for the canal through which the water right is delivered. (3-31-22)

a. All water deliveries must be called for by the water user at least forty-eight (48) hours in advance of the actual water delivery. Water which can be delivered by the watermaster in less than forty-eight (48) hours may be used by the water user. (3-31-22)

b. The water user must notify the watermaster of the water user's intent to use water as required by Rule Subsection 040.05. ~~(3-31-22)~~()

02. Rotation Credit. Water rights that do not include storage as a purpose of use may not be stored. Water rights whose source is Big Lost River, with their point of diversion below the Mackay Dam, and which are appurtenant to lands within Big Lost River Irrigation District (BLRID) may, however, be rotated for credit when such practice improves the efficiency of water use as contemplated by the Big Lost River Irrigation District's plan of operation. Rotation is subject to approval by the Director, the General Provisions for Basin 34, and the following conditions: ~~(3-31-22)~~()

~~a.~~ Rotation for credit must be approved by the director as provided by these rules. (3-31-22)

~~b.~~ Rotation for credit must be pursuant to the Big Lost River Irrigation District's approved plan of operation. (3-31-22)

~~ea.~~ Any water credited under such a rotation, if not used in the same irrigation season in which it is credited, shall become storage water of the Big Lost River Irrigation District at the end of the irrigation season. (3-31-22)

~~eb.~~ Rotation for credit cannot occur prior to the need for irrigation water on the land, as determined pursuant to these rules, in any year. (3-31-22)

~~ec.~~ Natural flow must be available at the river headgate point of diversion for the water right requesting rotation credit. (3-31-22)

~~ed.~~ The water user must have operable delivery and use facilities and an actual need for the water on the land in the year rotation is sought. (3-31-22)

~~ee.~~ If natural flow can not be delivered to a point of diversion at the beginning of the irrigation season and the watermaster determines rotation credit is needed to make possible the delivery of water rights being called for, and there is room in Mackay Reservoir for rotation credit, the watermaster may rotate natural flow rights, which would not otherwise be deliverable to their point of diversion, for credit of up to a combined total of three thousand five hundred (3,500) AF to be released from the reservoir under the control of the watermaster to make natural flow rights deliverable to their point of diversion. The watermaster may use storage water to assist the delivery of natural flow water rights at the beginning of the irrigation season when requested to do so by the storage holder. The watermaster may rotate natural flow rights at the beginning of the irrigation season, which would not otherwise be deliverable to their point of diversion, for credit of up to a combined total of three thousand five hundred (3,500) AF if natural flow cannot be delivered to a point of diversion, the watermaster determines rotation credit is needed to make possible the delivery of water rights, and BLRID determines there is room in Mackay Reservoir for rotation credit. The watermaster may release this impounded water from the reservoir to make natural flow rights deliverable to their point of diversion. ~~(3-31-22)~~()

~~ef.~~ Water rotated for credit may only be used on the land to which the water right being rotated is appurtenant. ~~(w)Water rotated for credit may not be marketed)~~ except under the provisions of Section 42-222A, Idaho

Code.

(3-31-22)()

~~fg.~~ If the reservoir fills after rotation has begun in any year, (or would have filled except for flood operations) and the natural flow is sufficient to allow diversion of water by 1905 or junior water rights while the reservoir is full, all rotation credits accrued at that time are lost and all water in Mackay Reservoir at that time becomes storage water of the Big Lost River Irrigation District for reallocation. For purposes of this rule Mackay Reservoir will be considered full when the elevation of the water in the reservoir reaches or exceeds a four (4) day average of six thousand sixty six and twelve one hundredths (6,066.12) feet MSL (spillway crest). Rotation for credit stops at the time Mackay Reservoir fills, and while it remains full, but if the natural flow does not increase sufficiently to allow 1905 or junior water rights to divert after the reservoir fills the rotation credit in the reservoir shall remain the credit of the water user(s) who accrued the rotation credit. A water user will forfeit to BLRID all rotation credits accrued when Mackay Reservoir fills, or would have filled except for flood operations, and the natural flow is sufficient to allow delivery to water rights with a priority date of 1905 or junior. If the natural flow does not allow delivery to water rights with a priority date of 1905 or junior after the reservoir fills, the water user will retain the rotation credit. For this rule, Mackay Reservoir will be considered full when the daily mean elevation of the water in the reservoir reaches or exceeds the spillway crest's mean sea level elevation of 6,066.12 feet.

(3-31-22)()

~~gh.~~ Water rights being rotated must be identified to the watermaster as being rotated into Mackay Reservoir. Water rights identified as such will have the Mackay Reservoir as the temporary point of diversion during the time rotation is occurring.

(3-31-22)

~~hi.~~ The rate of diversion for a water right being rotated for credit combined with other water rights for the same place of use being diverted at the same time cannot exceed the combined diversion limit specified in the listing of water rights. This rule does not limit the rate at which rotation credit, once impounded, can be used.

(3-31-22)()

03. Assessment of Evaporation and Conveyance Losses to Impounded Water.

(3-31-22)

a. Evaporation losses from Mackay Reservoir shall be estimated daily by the watermaster by applying correlated evapotranspiration data and shall be assessed to all impounded water.

(3-31-22)

b. Conveyance losses in the natural channel shall be proportioned ~~by the watermaster between natural flow and impounded water. The proportioning shall be done on a river reach basis. Impounded water flowing through a river reach that does not have a conveyance loss will not be assessed a loss for that reach. Impounded water flowing through any river reach that does have a conveyance loss will be assessed the proportionate share of the loss for each losing reach through which the impounded water flows~~ between natural flow, impounded water, and storage water. The watermaster will proportion the natural flow and impounded water conveyance losses on a river reach basis.

(3-31-22)()

i. An exception is made for impounded water delivered through the Beck and Evan diversion located in the SW1/4SE1/4SW1/4, Section 11, Township 6 North, Range 25 East, B.M. Conveyance loss for this impounded water will be assessed the conveyance loss of the 2-B Gage to Leslie Gage reach, if any, and the additional conveyance loss to the Beck and Evan diversion but not the conveyance loss of the entire Moore reach.

(3-31-22)()

04. Initiation and Duration of Surface Water Allocation for Irrigation. Any time on or after May 1, ~~an irrigation~~ a water user can make a delivery call on the natural flow if ~~the water user can make be~~ beneficially used of the water for irrigation. If sufficient natural flow exists to deliver the ~~called for~~ water right in a ~~useable~~ usable amount to the water users place of use, the watermaster shall deliver the right. In addition, the ~~d~~Director may allow the diversion of rights or portions of rights for irrigation use from the Big Lost River as early as April 20 and as late as October 31, and from surface water tributaries to the Big Lost River, either before or after the period of use for irrigation described in the water right where:

(3-31-22)()

a. The water so diverted is applied to a beneficial use resulting in an immediate benefit to growing plants or is necessary to allow performance of an agricultural practice generally accepted in the community, as determined by the ~~d~~Director.

(3-31-22)()

b. All surface water rights, regardless of priority, unless subordinated to the water right or class of rights being called ~~for, (now existing or developed subsequent to these rules)~~, existing at the time of diversion that are within their period of use can be satisfied. (3-31-22)()

c. The diversion and use of ~~the~~ water does not conflict with the public interest as determined by the ~~d~~Director. (3-31-22)()

05. **Notice to Initiate Delivery.** Water users must initiate delivery of their water right(s) by notifying the watermaster that they are ready to put water to beneficial use. (3-31-22)

06. **Diversion of Additional Flows.** The ~~d~~Director may allow the diversion of surface water in addition to the quantity of surface water described in a water right for irrigation use to be diverted for irrigation of the described place of use where: (3-31-22)()

a. The waters so diverted are applied to a beneficial use, as determined by the ~~d~~Director. (3-31-22)()

b. All surface water rights, regardless of priority, unless subordinated to the water right or class of water rights being called ~~for, (now existing or developed subsequent to these rules)~~, existing at the time of diversion that are within their period of use can be satisfied. (3-31-22)()

c. The diversion and use of ~~the~~ water does not conflict with the public interest as determined by the ~~d~~Director. (3-31-22)()

d. Additional flows diverted pursuant to Rule 040.06 are natural flows and will not be assessed as impounded or stored water. (3-31-22)()

07. **Mackay Dam Minimum By-Pass.** Mackay Dam and Reservoir shall be operated to maintain a minimum flow of fifty (50) CFS at the 2-B gage. (3-31-22)

08. **Canal or Lateral Delivery.** ~~In the event a water user feels inappropriate delivery of natural flow water is occurring on any lateral or canal, the water user can request the watermaster to investigate. In the event the watermaster determines that delivery of natural flow water rights within a lateral or canal is being improperly conducted he shall~~ A water user can request the watermaster to investigate if inappropriate delivery of natural flow is occurring on any lateral or canal. This request needs to be accompanied by reasonable evidence that the delivery causes injury to the water user's natural flow water right(s). In the event the watermaster determines that delivery of natural flow water rights within a lateral or canal is improper, the watermaster will: (3-31-22)()

a. Notify the ditch rider and the water delivery entity of the results of his investigation and coordinate efforts to make proper delivery of the natural flow. (3-31-22)

b. If the situation has not been sufficiently resolved within ~~twenty-four~~ forty-eight (24~~48~~) hours, the watermaster will notify the ~~d~~Director, who may take all actions authorized by law to remedy the situation. (3-31-22)()

041. -- 054. (RESERVED)

055. **WATER USAGE** ~~(RULE 55).~~

01. **Incidental Stock Water.** ~~When stock water is not specifically included for a water right that includes irrigation, a portion of the quantity described for irrigation use may be diverted and used, from the same point of diversion and at the same place of use as the irrigation use, for purposes of maintaining a reasonable water supply for stock watering use during the period of use for irrigation described in the water right~~ A water user holding a water right authorizing irrigation use, but not stock water use, may divert a portion of the quantity described for irrigation use to maintain a reasonable water supply for stock water use. This stock water use needs to utilize the same point of diversion, place of use, and season of use for the irrigation use on the water right. (3-31-22)()

02. Winter (Non-Irrigation Season) Stock Water. During the non-irrigation season, from October 16 through April 30 except as modified by Rule 040.04, the storage of water in Mackay Reservoir is superior to all rights from the Big Lost River with points of diversion downstream from Mackay Dam, subject to minimum release. (3-31-22)

a. ~~Winter stock water can be called for and delivered pursuant to the list of water rights if it does not interfere with storage in Mackay Reservoir.~~ Water users holding water rights authorizing winter stock water use may call for the delivery of the water rights provided that the delivery does not interfere with storage in Mackay Reservoir. (3-31-22)()

b. A ~~right holder~~ water user calling for delivery of winter stock water must have access to a diversion point and delivery system to convey the right to the place of use recorded in the ~~list of~~ water rights. If the headgate and delivery system are controlled by an entity other than the water user, the watermaster will only deliver the water with the concurrence of the owner of the headgate and delivery system and then only when such delivery does not constitute unreasonable waste as determined by the ~~e~~Director. (3-31-22)()

056. -- 059. (RESERVED)

060. ACCOUNTING FOR WATER DELIVERY ~~(RULE 60)~~.
Water diversions shall be accounted for continuously throughout the year by the watermaster. (3-31-22)()

061. -- 999. (RESERVED)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS

DOCKET NO. 39-0260-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections [49-201\(1\)](#) and [49-443B\(1\)](#), 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 15, 2025.

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 department is seeking to clean up and clarify provisions in this rule related to proof of registration, custom vehicle program fees, plates sizes, and exempt personalized plates. These are not regulatory measures.

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

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

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025, Idaho Administrative Bulletin, [Vol. 25-5, pages 76-77](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brendan Floyd at 208-334-8474.

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 22, 2025.

DATED this 29th Day of August, 2025.

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0260-2501
(ZBR Chapter Rewrite.)

39.02.60 – RULES GOVERNING LICENSE PLATE PROVISIONS

000. LEGAL AUTHORITY.

~~This rule, establishing the policies used to administer Idaho's standard and specialized license plate programs, is adopted under the authority of Sections 49-201, 49-402D, and 49-443, Idaho Code.~~ (7-1-24)()

001. ~~PURPOSE~~SCOPE.

~~01. Scope. This rule governs provisions for~~ This chapter implements Sections 49-201, 49-402D, and 49-443, Idaho Code, relating to standard, specialty program, personalized plates, and special eligibility license plates. (7-1-24)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. **Authorized Employees.** Authorized employee as used in this ~~rule chapter~~ means any non-salesperson or employee who is paid compensation for a minimum of thirty (30) hours each week, and appears on the records of the employer as an employee for which social security, income tax, and all deductions required by law have been made. (7-1-24)()

~~02. Exempt License Plate. Standard license plate issued to the entities described in Section 49-426(1), Idaho Code, which are exempt from payment of vehicle operating fees.~~ (7-1-24)

~~03. Exempt Personalized License Plate. An exempt plate which identifies the agency by a unique identifier specified by the agency that does not conform to the standard exempt identifier listed in Section 400; a plate wherein the serial number portion represents inventory control numbers, badge numbers, radio call signs, or other unique lettering or numbering schemes developed by the requesting agency; plates that are lettered and/or numbered to indicate a person's position in the hierarchy of an agency.~~ (7-1-24)

~~04. Furtherance or Pursuance of Business. Furtherance or pursuance of business as used in this rule chapter or in Section 49-1627, Idaho Code, means any lawful use of a dealer or loaner plate by an authorized employee of a dealership for the movement of a vehicle to be sold, repaired or transferred from one (1) location to another.~~ (7-1-24)()

~~05. Leased or Rented Vehicles. Leased or rented vehicles owned by the licensed dealer as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership which are leased or rented on a contractual basis to the public.~~ (7-1-24)

~~06. Undercover License Plate. A standard license plate issued upon application to the Department from an exempt agency with law enforcement authority. Undercover license plates will be randomly issued by the Department, and appear as a standard county plate.~~ (7-1-24)

~~07. Vehicles Not Held in Stock. Vehicles not held in stock for sale as used in Section 49-1627, Idaho Code, means vehicles titled in the name of the dealership or vehicles which cannot be titled or for which the dealership does not hold title.~~ (7-1-24)

~~08. Vehicles Sold. Vehicles which have been sold as used in Section 49-1627, Idaho Code, means~~

vehicles for which a dealer has a signed contract of sale or other vehicles not belonging to the dealership. (7-1-24)

011. LICENSE PLATE PROVISIONS FOR ALL LICENSE PLATES.

01. Plate Numbering and Lettering. The ~~Idaho Transportation~~ Department is authorized to assign unique plate letter/number spacing schemes ~~and to use specific letter/number combination schemes as needed for the purpose of ensuring to ensure~~ unique numbering systems for all license plate programs and to administer ~~the provisions of this rule chapter.~~ (7-1-24)()

02. Plate Life Expiration Date. License plates will be valid for the period described in 49-443 (2) and will expire on the last day of the month, consistent with the month of the registration expiration. (7-1-24)

012. PROOF OF REGISTRATION FOR NEW, REPLACEMENT, OR REISSUED LICENSE PLATES.

01. ~~Proof of Registration Plate on Order Document.~~ Upon receipt of payment for required registration and program fees, a ~~proof of registration/~~ plates on order document will be issued. ~~This option will be used whenever license plates are manufactured after the registration transaction has been completed.~~ The ~~proof of registration receipt~~ plate on order document will provide proof that the vehicle has been registered and fees have been paid, and the vehicle may be operated until new plates have been received by the registrant. (7-1-24)()

02. Placement of ~~Proof of Registration Plate on Order Document.~~ The ~~proof of registration receipt~~ plate on order document will be displayed in the rear window or on the rear of the vehicle for which it is issued in a manner that is readily legible for a distance of twenty five (25) feet and will be legible throughout the duration of the permit. When issued to a convertible, motorcycle, or other vehicle in which it is not possible to display in the rear window, the ~~proof of registration~~ plate on order document must be conspicuously displayed where the expiration date of the newly issued plate may be easily read at a distance of twenty five (25) feet, and where it is protected from exposure to weather conditions, which would render it illegible. (7-1-24)()

03. ~~Issuance of Manually Completed Temporary Registrations When Automated System is Unavailable.~~ Upon receipt of payment for required registration and program fees, the department or its agent may issue a manual proof of registration on a department form in the event the automated system is unavailable. When the system resumes normal operation, the registration information will be entered in the system, and the registration form will be mailed to the registered applicant. The manual proof of registration form will be displayed in accordance with IDAPA 39.02.60.12.02. (7-1-24)

013. -- 099. (RESERVED)

100. LICENSE PLATE PROVISIONS FOR STANDARD PLATES.

01. County Designations. The county in which a vehicle is registered will be designated by a number and letter on license plates ~~for passenger cars, pick up trucks eight thousand (8,000) pounds and under gross weight, hearses, ambulances, wreckers, farm vehicles between eight thousand one (8,001) and sixty thousand (60,000) pounds gross weight for motor vehicles registered under Section 49-402, Idaho Code, noncommercial vehicles up to sixty thousand (60,000) pounds gross weight,~~ and recreational trailers. The county designators are as follows:

County Designations			
1A - Ada	2A - Adams	1B - Bannock	2B - Bear Lake
3B - Benewah	4B - Bingham	5B - Blaine	6B - Boise
7B - Bonner	8B - Bonneville	9B - Boundary	10B - Butte
1C - Camas	2C - Canyon	3C - Caribou	4C - Cassia
5C - Clark	6C - Clearwater	7C - Custer	E - Elmore
1F - Franklin	2F - Fremont	1G - Gem	2G - Gooding
I - Idaho	1J - Jefferson	2J - Jerome	K - Kootenai

County Designations			
1L - Latah	2L - Lemhi	3L - Lewis	4L - Lincoln
1M - Madison	2M - Minidoka	N - Nez Perce	1O - Oneida
2O - Owyhee	1P - Payette	2P - Power	S - Shoshone
1T - Teton	2T - Twin Falls	V - Valley	W - Washington

(7-1-24)()

101. LICENSE PLATE PROVISIONS FOR RESTRICTED VEHICLE PLATES.

The Department will produce these plates on demand. Idaho Department of Parks and Recreation has the authority to issue, manage and maintain records of these plates. ~~The plate will not be valid without the registration sticker, issued pursuant to Section 67-7122, Idaho Code, affixed to the lower corner of the plate.~~ Idaho restricted vehicle plates may not be personalized. (7-1-24)()

102. -- 149. (RESERVED)

150. VEHICLE DEALER AND MANUFACTURER LICENSE PLATES FORMATS.

01. Designation for Plates. Plates issued to dealers will bear the designation “DLR” and plates issued to manufacturers will bear the designation “MFR”. The sequential license plate ~~number will be a maximum of two (2) digits~~ plate numbering scheme will be determined by the department. (7-1-24)()

~~a. If a dealer or manufacturer is issued more than ninety-nine (99) plates, an alpha character will be placed in the first position, followed by a number.~~ (7-1-24)

~~b. The dealer or manufacturer number will be a maximum of four (4) digits. No dealer or manufacturer number may be preceded by a zero (0); Dealer number one (1), plate number one (1): 1-01; Dealer number one thousand one (1001), plate number one hundred (100): 1001-A1.~~ (7-1-24)

~~c. Dealer restricted vehicle plates will display the abbreviation “DLR” within the lower left hand box labeled “Restricted Vehicle”. The dealer validation sticker will be displayed within the box labeled “Dealer Validation Sticker”.~~ (7-1-24)

151. VEHICLE DEALER LICENSE PLATES RESTRICTIONS.

01. Restrictions. Restrictions on the use of manufacturer or dealer plates are provided for by Section 49-1627, Idaho Code. In addition, the following restrictions apply: (7-1-24)

a. The authorized employee must carry an identification card issued by the dealer. ~~The identification card will that~~ contains the employee’s name, dealership, date of issue, dealer number and signature of an authorized representative of the dealership and the signature of the employee. This use will be limited to normal business hours unless the operator is in possession of a letter from the dealer listing the specific reason for the after-hour use. (7-1-24)()

b. Vehicles displaying a dealer restricted vehicle plate are not required to display the Idaho Department of Parks and Recreation Off-highway registration to be valid, but are required to be validated in the same manner as are standard dealer plates and display the required annual validation sticker on the restricted plate. Use will be permitted pursuant to Section 49-426 (3) and (4), Idaho Code. (7-1-24)

c. A prospective purchaser will not have in his possession a vehicle belonging to a dealership after normal business hours without a letter of authority from the dealership. (7-1-24)

152. VEHICLE DEALER LOANER PLATES.

01. Numbering. Plates will be numbered from LAA001 to LZZ999. (7-1-24)

02. Surrender of Plates. If the dealership license becomes invalid, the dealer must surrender the registration and loaner plates that have been issued. There will be no refund of fees. (7-1-24)

03. Vehicle Log. Dealerships will maintain a vehicle log of each vehicle on which a loaner plate is displayed. The log will be available for inspection by any peace officer or agent of the Department and contain the information provided for by section 49-1628, Idaho Code. (7-1-24)

04. Registration Card. The authorized issuing entity will provide a registration card for each dealer loaner plate as provided for by ~~s~~Section 49-421, Idaho Code. (7-1-24)()

05. Letter of Authorization. Persons using the plate on loaner vehicles while waiting for their own vehicle to be repaired will have in their possession a letter of authorization or a document showing both the user and dealership name. The document or letter will be signed and dated by an authorized employee of the dealership. (7-1-24)

06. Vehicle Use Donation for Civic and Charitable Events. Licensed dealers may authorize the use of their loaner plates when donating the use of vehicles held in their inventory for civic or charitable events. Such time period will not exceed thirty (30) days. The dealer will provide a letter of authorization to be carried in the vehicle and proof of current liability insurance, as required by Chapter 12, Title 49, Idaho Code. (7-1-24)

07. Fees. The fees charged for dealer loaner plates will be the same as the fees required by Section 49-402, Idaho Code, for new vehicles, and will be in addition to the current Emergency Medical Service (EMS) and plate fees. Applicants for new loaner plates received after January 1 will be charged one-twelfth (1/12) the annual fee charged for a new vehicle for each month remaining in the licensing year, including the month of application. The annual EMS and plate fees are not prorated. (7-1-24)

153. ~~VEHICLE DEALER PROVISIONS FOR TRANSPORTER REGISTRATION AND PLATES.~~

01. Purpose. Utility and boat trailers that weigh under two thousand (2,000) pounds unladen may be moved by a manufacturer, dealer, or an employee of either, or by a transporter service contracted by the vehicle's manufacturer or dealer upon registration and payment of an annual fifteen dollar (\$15) transporter plate fee to the department, or by purchase of a single trip permit. These plates may be used only on boat trailers and utility trailers for demonstration purposes, and may be used while laden for demonstration purposes. (7-1-24)

02. Numbering of Plates. Transporter plates will be numbered from PA1 TO PZ9999. ~~Transporter plates are to be displayed on the rear of the trailer.~~ (7-1-24)()

03. Renewal of Plates. The transporter registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. (7-1-24)

04. Use of Plates. Transporter plates may be moved by registrants from one (1) utility or boat trailer weighing under two thousand (2,000) pounds unladen to another trailer meeting this criteria during the current registration period. Vehicles towing a laden trailer displaying a transporter plate are to be registered within the appropriate gross vehicle weight category for the combined load. Transporter plates are to be displayed on the rear of the trailer. (7-1-24)()

05. Possession of Registration. When transporting a vehicle displaying a transporter plate, the operator of a towing vehicle will carry the transporter registration in the towing vehicle at all times. (7-1-24)

06. Violations. Violations of this section include: (7-1-24)

a. Display of a transporter plate on any vehicle not required to be registered under this Section; and (7-1-24)

b. Display of a transporter plate on a vehicle not lawfully under the control of the registration holder. (7-1-24)

07. Penalties: (7-1-24)

- a.** Violation of this section will be a misdemeanor as provided for by Section 49-236, Idaho Code; and (7-1-24)
- b.** The plate and registration of anyone who displays a transporter plate other than provided for by this section may be canceled. (7-1-24)

154. PROVISIONS FOR WRECKER PLATES.

01. Purpose. Wrecker plates are for the exclusive use of businesses engaged in the towing of a wrecked, abandoned, salvaged, or disabled motorized vehicle. Plates will not be used on vehicles being repossessed. (7-1-24)

02. Numbering of Plates. Plates will be numbered as determined by the department and will display the abbreviation "WRKR" vertically on the left hand side of the plate. (7-1-24)

03. Renewal of Plates. The wrecker registration and plate are valid for one (1) year from January 1 through December 31 and may be renewed by use of a registration sticker showing the year of validation. (7-1-24)

04. Use of Plates. Plates are not to be displayed on the towing power unit vehicle nor are they to be used on a vehicle not being towed. Plates are to be displayed on the rear of the towed vehicle in such a manner as to be visible to vehicles approaching from the rear. Wrecker plates may be moved from one (1) towed motorized vehicle to another vehicle under the direct lawful control of the registration holder. (7-1-24)

05. Possession of Registration. When towing a motorized vehicle displaying a wrecker plate, the operator of the towing vehicle will carry the wrecker plate registration in the towing vehicle. (7-1-24)

06. Acquisition/Renewal of Wrecker Plates. Wrecker plates will be issued and renewed through the department by physical or electronic mail ~~or by fax~~ using an application and renewal process determined by the department. (7-1-24)()

155. PROVISIONS FOR SPECIAL LICENSE PLATE PROGRAM PREQUALIFICATION AND APPLICATION PROCEDURES.

01. Special License Plate Prequalification. A Special Plate Program Application will be provided to each applicant, detailing the procedures for the prequalification and providing information regarding the steps required to successfully accomplish a special plate program. (7-1-24)

~~**02. Special License Plate Approved by the Legislature.** If a special license plate program is approved by the Idaho legislature, prior to production and sale of the special license plates, the sponsor will meet the requirements outlined in sections 49-402C & 49-402D, Idaho Code. (7-1-24)~~

~~**03. Submission to the Legislature.** For those Special License Plate Programs with enacting legislation that fail to meet the requirements of this Section, the Department will report such finding to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature, and will not proceed with production and sale of the special plates. (7-1-24)~~

~~**04. Annual Report.** An annual report form, designed and provided by the Department, will be made available to special license plate sponsors for all special license plate programs receiving revenue in existence or passed by the legislature on or prior to July 1, 2020. The report will require an accounting of revenues and expenditures associated with the funds collected for the special license plate program. (7-1-24)~~

~~**05. Appeals.** The appeals process will allow the applicant for a special license plate program to appeal the Department's decision to deny the application (See Section 003-of this rule). The notice of the appeal will be sent in writing via mail, electronic mail or facsimile within twenty (20) days of the denial. (7-1-24)()~~

064. Cancellation of Plate Programs. The Department will notify the plate program sponsor of the intent to cancel the program due to failure to provide an annual report or low active plate ~~sales volume count~~. ~~Sales volume is calculated by determining~~ Active plate count is determined by the number of current active plates, on actively registered vehicles, for the plate program on file with the Department. (7-1-24)()

i. The Department will notify current registrants of the special plate program of the cancellation, and advise the registrant may retain and renew the registration with the additional program fees, and retain the plates until the physical plates are required to be replaced, however replacement plates will not be available, due to loss or damage. (7-1-24)

ii. The portion of canceled special plate program fees no longer deposited with the nonprofit agency (who has filed a 501 (c) (3) federal income tax status) program sponsor will be deposited in the state highway account. (7-1-24)

iii. Upon mandatory replacement of physical plates as required by statute, the customer may choose another ~~plate~~ specialty program or standard county plates at the customer's preference. (7-1-24)()

iv. The Department will include in its annual report to the chairman of the Senate Transportation Committee and the chairman of the House Transportation and Defense Committee of the Idaho State Legislature any special plate programs that have been canceled during the preceding year. (7-1-24)

156. -- 198. (RESERVED)

199. LICENSE PLATE PROVISIONS FOR SPECIAL PROGRAM AND PERSONALIZED PLATES FOR TRAILERS.

Special program and personalized plates may be issued to trailers manufactured primarily for recreational vehicle uses. Such trailers will include camper, tent or fifth-wheel recreational trailers. Trailers with multiple uses such as utility, horse, or boat, with or without recreational vehicle facilities, will be excluded. (7-1-24)

200. LICENSE PLATE PROVISIONS FOR SPECIAL PLATES.

01. Year of Manufacture Plates. (7-1-24)

a. Vehicles manufactured up through 1974, excluding model years 1969, 1971, 1972, and 1973, but including and ending with model year 1974 are eligible for this program. (7-1-24)

b. The license plate must be in serviceable condition as originally manufactured, i.e., cannot be marred, bent, faded, or otherwise damaged to the point it is illegible. If the plate is repainted to bring it to a serviceable condition, the colors will match the original colors as closely as possible and will equal or exceed the original quality. The plate number cannot be a duplicate of a previously manufactured "year of manufacture" plate still in use. (7-1-24)

c. The application for use of the plate will include a statement signed by the applicant attesting that the applicant understands, if the plate use is approved, the plate does not have reflectorized material which meets the requirements of Section 49-443, Idaho Code. The responsibility for any accident or injury arising out of the possible consequence of not having this reflectorized safety feature on the license plate will be borne by the registrant. (7-1-24)

d. "Classic" or "Old Timer" plates may be used in conjunction with this revived plate at the option of the registrant. (7-1-24)

~~02. Centennial License Plates. Personalized and regular number plates are available in the centennial format.~~ (7-1-24)

032. Disabled Veteran License Plates. Disabled veteran license plates may, upon the registrant's request, display the international disability symbol to ensure reciprocal parking privileges in all states and provinces.

(7-1-24)

043. Custom Vehicle License Plates. The applicant ~~shall~~ will pay the initial program fee of \$25 and the annual program fee of \$15. (7-1-24)()

201. PROVISIONS FOR LEGISLATIVE LICENSE PLATES.

01. Option to Apply. Members of the Idaho Legislature have the option of applying to the Department for one (1) set of specially numbered license plates bearing the designation “HOUSE” or “SENATE.” (7-1-24)

02. Numbering Assignment List. Each year, the Department will request from the Speaker and Pro Tem a current list of license numbers assigned to all legislators. (7-1-24)

202. PROVISIONS FOR PERSONALIZED LICENSE PLATES.

01. Character Limitations. No special characters, or punctuation marks, may be used for personalized messages on license plates. (7-1-24)

a. The Department will determine how many characters are allowed on any given plate. (7-1-24)

02. Issue of Personalized Plates. Personalized plates may be issued to vehicles if no specific wording is required on the plate to identify the purpose for which the vehicle is registered. Personalized plates will not be issued if such plates would jeopardize the integrity of unique plate identification requirements. Examples include but are not limited to: (7-1-24)

a. Commercial vehicles registered under the International Registration Plan (IRP), because the designators PRP are required to be printed on the plate; (7-1-24)

b. Vehicles for which the designators “PRP” are required to be printed on the plate to identify the use; and (7-1-24)

c. Utility, horse, or enclosed car hauling trailers with RV facilities or boat trailers. (7-1-24)

03. Specific Requests. Requests for specific plate letters and/or numbers will be issued on a first come, first served basis. In the event of a request for the same plate by more than one (1) individual, the request with the earliest postmark, e-mail transmission time, fax transmission time, or data entry time will prevail. If the postmarks are the same, the date stamped upon arrival will prevail. Applications processed at county assessors’ offices will be considered valid when entered in the system. Telephone requests will not be accepted. (7-1-24)

04. Lack of Current Plates. When an applicant for personalized plates does not have current regular number plates: (7-1-24)

a. The Department may, upon payment of all required fees, issue a proof of registration document consistent with Section 012-~~of this rule~~. (7-1-24)()

05. Credits. When personalized plates are issued before an applicant’s current registration is expired, credit will be given for unexpired registration fees only. (7-1-24)

06. Renewing Plates. The applicant will have the choice of renewing existing personalized plates with validation stickers or ordering a new set of plates at the time of renewal. If new plates are requested, a plate and mailing fee will be charged in addition to all other fees that are due. Personalized plates will be reissued in accordance with Section 49-443, Idaho Code. (7-1-24)

07. Transfer of Plates. When personalized plates are issued, the vehicle’s regular number plates may be transferred to another vehicle belonging to the owner. If registration credit is given from the regular number plates to the personalized, the regular number plate registration is canceled. (7-1-24)

08. Acceptability of Plates Message. Acceptability of the personalized license plate message and issuance, denial or cancellation will be determined by the Department based on the following criteria: (7-1-24)

a. The characters requested may not duplicate an existing combination in use on the same size plate or replicate an existing law enforcement plate combination. (7-1-24)

b. The message, in any language, may not carry a sexual connotation nor consist of a term that is considered to be one of obscenity, contempt, prejudice, hostility, insult, racial or ethnic degradation, or profanity, as defined by common internet and dictionary resources. (7-1-24)

i. The message may not refer to any of the following: bodily functions, bodily fluids, or intimate body parts; sexual preference or orientation; acts of violence; illegal substances or the use thereof. (7-1-24)

ii. The message may not represent a group that is commonly known to promote violence, illegal substances or illegal acts. (7-1-24)

c. The criteria in Paragraph 202.08.b. ~~of this rule~~ is not to be considered an exhaustive list. A compilation of words, terms or letter/number combinations gathered from the experience of Idaho and other states may also be used as a guide. The Department may also rely on information obtained from law enforcement agencies within or outside of Idaho. (7-1-24)()

d. When a complaint is received from the public concerning an issued plate, the name of the complainant will not be recorded nor, if known, revealed. (7-1-24)

e. Final determination regarding applications for questionable messages or cancellation of issued plates will be made by the Division of Motor Vehicles. ~~The determination process will include a first review by technical staff, followed by a second review by supervisory and management staff.~~ An applicant does, however, have a right to a hearing on the decision. (7-1-24)()

09. Message Preferences. Applicants may submit three (3) message preferences including the specific meaning of each. The first choice that is available and acceptable will be issued. If none of the preferences are available or acceptable, the applicant will be notified by return mail or email. (7-1-24)

10. Recalled Plates. Personalized plates may be recalled by the Department for the following reasons: (7-1-24)

a. Error in manufacturing; or (7-1-24)

b. Clerical error. (7-1-24)

c. Unacceptable personalized messages as outlined in Paragraph 202.08.b. ~~of these rules.~~ (7-1-24)()

11. Unexpired Fees. If a set of personalized plates is recalled ~~or rejected~~, the personalized plate program fee, will not be refunded but may be transferred to a new issue of personalized plates. (7-1-24)()

12. Expired Plates. Personalized plates that have their registration expire will become immediately available for reissue to another applicant. There is no grace period. (7-1-24)

203. PROVISIONS FOR FORMER PRISONER OF WAR (POW) LICENSE PLATES.

01. Eligible Person. Any veteran who was a prisoner of war (POW) of an armed enemy of the United States during active service in the armed forces of the United States during the following recognized war periods may be eligible:

WORLD WAR II	December 7, 1941 to December 31, 1946

KOREAN WAR	June 27, 1950 to January 31, 1955
VIETNAM WAR	August 5, 1964 to May 7, 1975
USS PUEBLO	January 23, 1968 to December 23, 1968
PERSIAN GULF	August 2, 1990 (Congress has not assigned an ending date.)

(7-1-24)

02. Certified Documentation. Eligibility will be documented by a copy of the applicant's 53.55 or DD-214 Separation from Active Duty papers, or other specific documentation received from the Veterans Administration that certifies that the applicant was a prisoner of war during the recognized war periods stated above.

(7-1-24)

204. SURRENDER OF PLATES.

Registered owners desiring to surrender their license plate numbers may do so at any time. Upon surrender, license plate numbers ~~shall~~ will immediately become available to be issued by the system or, if personalized, applied for by another, upon application and payment of applicable plate, registration, and program fees.

(7-1-24)()

205. -- 299. (RESERVED)

300. PROVISIONS FOR SAMPLE PLATES.

Sample plates are issued at on the "Scenic Idaho/Famous Potatoes" red, white, and blue plate or Special Program License plates as follows:

(7-1-24)

01. Plate Size. Plates ~~carry~~ must adhere to license plate manufacturing standards in size and display the abbreviation SAMP in the ~~lower right~~ sticker box on both passenger car and motorcycle license plates.

(7-1-24)()

02. Personalized Sample Plates. Personalized Sample plates are issued on both plate sizes. (7-1-24)

a. The acceptability screening process ~~used is the same as that used for regular personalized plate application in Paragraph 202.08 applies.~~

(7-1-24)()

b. The Department will adopt written policy for the issuance of duplicate and replacement sample plates with personalized character combinations. (7-1-24)

c. The department may include other special license plate programs for sample plate sale, when not prohibited by code, or that would not cause a compromise of a special eligibility plate program. (7-1-24)

03. Penalties. ~~There is a penalty for fictitious display of sample plates (Section 49-456, Idaho Code).~~

(7-1-24)

301. -- 399. (RESERVED)

**SUBCHAPTER A – RULES GOVERNING LICENSE PLATES
FOR GOVERNMENTAL AGENCIES AND TAXING DISTRICTS**

400. ~~STANDARD EXEMPT PLATE DESIGNATORS~~ PROVISIONS FOR EXEMPT LICENSE PLATES. ~~The standard exempt license plate designators used to identify the agency, entity, or office will be assigned pursuant to Section 49-443B (2), Idaho Code.~~

(7-1-24)

01. Standard Exempt License Plates. Includes the standard exempt plate designator assigned to the requesting agency and a unique letter/number system as determined by the department or specified by the applicant.

()

02. Personalized Exempt License Plates. Exempt agencies that do not include the standard exempt plate designator will be subject to personalization fees pursuant to Section 49-402 (9), Idaho Code.

()

401. ISSUING AGENCY.

All exempt and undercover license plates will be issued by the ~~Idaho Transportation~~ Department upon receipt of a request from an authorized agency. (7-1-24)()

402. INFORMATION TO BE PROVIDED BY AN AUTHORIZED AGENCY.

A request for exempt or undercover plates will contain: (7-1-24)

01. Actual Name and Address. The name and address of the requesting agency. (7-1-24)

02. Vehicle Description. The description of the vehicle(s) to be registered, including the year, the make, model, type, vehicle identification (VIN), color and title number, and truck weight if eight thousand one pounds (8,001 lbs.) or more. (7-1-24)

03. Fictitious Name and Address. The name and address of the registrant to appear on the undercover plate registration, and title records of the Department. (7-1-24)

04. Authorized Official. The request must be signed by an authorized official of the authorized agency. (7-1-24)

403. VEHICLE TITLING.

01. For Exempt Registration and License Plates. If the vehicle is not titled, the title transaction will be initiated before requesting exempt plates. ~~The control number from the title application may be used in lieu of the title number on the exempt plate request letter~~ Exempt registration must match the associated title. (7-1-24)()

02. Undercover Vehicle Titling. The actual name and address of the requesting agency, along with the fictitious name and address of the registrant will be provided directly to the Department on a completed application approved by the authorized official. (7-1-24)

404. EXEMPT AND UNDERCOVER PLATE FEES.

01. Department Reimbursement. State and federal agencies and taxing districts will reimburse the Department the cost of providing license plates. These costs will be determined by the cost of manufacture and the cost to the Department of processing the transaction. (7-1-24)

02. Adjusted Fees. Periodically, fees may be adjusted in accordance with changes in manufacturing costs, postage, employee costs and legislative mandate. (7-1-24)

03. Elective Fees. Exempt agencies that choose to participate in a special program and/or opt for personalized plate are subject to the initial fee(s) on the original application and each subsequent reissuance of the license plates. Undercover vehicles are not eligible for special program and/or personalized plates. ()

405. EXEMPT PLATE DISPLAY.

Exempt license plates will be displayed in accordance with Section 49-428, Idaho Code. The designator “EXMOP” will be provided with each exempt plate and be attached to the plate(s) in the space provided for this purpose. The department may have the EXMP designator printed in the appropriate space on the plate as an alternative to the sticker. (7-1-24)()

406. UNDERCOVER PLATE DISPLAY.

~~Undercover license plates will be displayed in accordance with Section 49-428, Idaho Code. A pressure-sensitive sticker displaying an expiration date matching the plate number will be attached to the plate(s) in the space provided for this purpose. There will be no discerning markings to indicate that the plate or registration record is in undercover use.~~ (7-1-24)

407. ALTERNATIVE PLATES.

~~If an authorized agency requests a specialized license plate format normally reserved for the general public, all the~~

~~statutory special program fees for the plate will be paid, with the exception of the registration (operating) fee, in addition to the department administrative and plate manufacturing fees. Special eligibility plates will not be issued to exempt vehicles. "Special eligibility" requires the individual registrant to meet specific requirements for programs such as: Purple Heart, Disabled Veteran, Disability, Military Reservist, Former Prisoner of War, Congressional Medal of Honor, National Guard and Air National Guard, Radio Amateur, Pearl Harbor Survivor, and Legislative plates.~~
(7-1-24)

406. -- 407. (RESERVED)

408. EXEMPT PLATE STATUS.

- 01. Non-Expiring Plates.** Exempt plates are non-expiring and require no annual renewal. (7-1-24)
- 02. Transfer of Plates.** Exempt plates may be transferred between vehicles. If an exempt plate is transferred to another vehicle, a transfer request must be made to the Department. (7-1-24)
- 03. Reissue of Plates.** Exempt plates will also be assessed personalization and program fees upon each reissuance. (7-1-24)

409. UNDERCOVER PLATE STATUS.

- 01. Expiration of Plates.** Undercover license plates will expire annually or biennially based upon the application of the authorized agency. Registration status will appear as valid, until expiration date. Renewals must be made to the Department upon expiration of the undercover license plate. (7-1-24)
- 02. Transfer of Plates.** Undercover license plates may be transferred between vehicles. If an undercover license plate is transferred to another vehicle, a transfer request must be made to the Department's Vehicle Services Section/Special Plates Unit. (7-1-24)
- 03. Reissue of Plates.** Undercover plates will be reissued in accordance with Section 49-443(2), Idaho Code. (7-1-24)

410. -- 999. (RESERVED)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.49 – RULES GOVERNING IGNITION INTERLOCK DEVICES

DOCKET NO. 39-0349-2501 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 18-8008\(4\)](#), 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 15, 2025.

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:

Pursuant to Idaho Code 18-8008(4), the department is required to maintain rules concerning the certification, installation, repair, and removal of ignition interlock devices. This rule was reviewed in accordance with the agency's [Zero-based Regulation](#) review schedule. The proposed edits clarify several provisions and are non-substantive in nature.

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

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

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 7, 2025, Idaho Administrative Bulletin, [Vol. 25-5, pages 76-77](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brendan Floyd at 208-334-8474.

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 22, 2025.

DATED this 29th Day of August, 2025.

Brendan Floyd
Policy Specialist
Idaho Transportation Department
11331 W. Chinden Blvd.
Boise, ID 83714
208-334-8474
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0349-2501
(ZBR Chapter Rewrite.)

39.03.49 – RULES GOVERNING IGNITION INTERLOCK DEVICES

000. LEGAL AUTHORITY.

~~This rule is promulgated pursuant to~~ Section 18-8008, Idaho Code. (3-31-22)()

001. TITLE AND SCOPE.

~~The rule is titled IDAPA 39.03.49, “Rules Governing Ignition Interlock Devices,” and the purpose of it is to establish regulations for certification, installation, repair and removal of~~ chapter implements Section 18-8008, Idaho Code, relating to ignition interlock breath alcohol devices. (3-31-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Alcohol. The generic class of organic compounds known as alcohols ~~and, specifically, the chemical compound ethyl alcohol. For the purpose of Ignition Interlock Devices, all devices will be specific for ethyl alcohol.~~ (3-31-22)()

02. Breath Alcohol Concentration (BrAC). The weight amount of alcohol contained in a unit volume of breath, measured in grams ~~Ethanol~~ two hundred ten (210) liters of breath. (3-31-22)()

03. Court (Or Originating Court). The particular Idaho state court that has required the use of an ignition interlock device by a particular individual. (3-31-22)

04. Certification. The approval process required by the ~~Idaho Transportation~~ Department. (3-31-22)()

~~05. Department.~~ The Idaho Transportation Department. (3-31-22)

~~06. Device.~~ An ignition interlock device. (3-31-22)

~~07. Diversion Program Administer or Designee.~~ The prosecuting attorney or an individual or business appointed by a prosecuting attorney of any Idaho county, to administer the diversion program established by the prosecuting attorney on their behalf. (3-31-22)

~~08. Ignition Interlock Device.~~ An instrument designed to measure the BrAC of an individual equipped with a camera and which prevents a motorized vehicle from starting or operating when the BrAC is greater than or equal to point zero two five (.025). (3-31-22)()

~~09. Independent Testing Laboratory.~~ A laboratory facility that is not subject to the control of the manufacturer or the manufacturer’s representative. (3-31-22)

~~10. Interlock.~~ The state in which a motor vehicle is prevented from starting or operating by a device. (3-31-22)()

~~11. Lessee.~~ The person ordered by a court to drive only vehicles that have certified devices installed. (3-31-22)

~~12. Manufacturer.~~ The person, or organization responsible for the design, construction and production of the device. (3-31-22)

132. Manufacturer's Representative. A company or corporation registered as a business with the Idaho Secretary of State who is designated by the manufacturer to sell, rent or lease a specific device in the State of Idaho and provide installation, maintenance and removal of the device through the operation of service centers. (3-31-22)

143. Circumvention. To bypass the correct operation of a device by starting the motor vehicle or operating the motor vehicle by any means without first providing a breath test. (3-31-22)

154. Tampering. An attempt to disable, adjust, or otherwise alter the proper operation of a device or camera. "Tampering" does not include disconnecting the handset once the vehicle is turned off. (3-31-22)

165. Ignition Interlock Waiver Liability. If a court grants a driver relief from the requirement of adding an ignition interlock device under the provisions of either Sections 18-8002A, 18-8002 or 18-8008, Idaho Code, the waiver will cover both ignition interlock requirements from the criminal charges and from the civil administrative license suspension. When the Department receives a court order granting the waiver of an ignition interlock requirement, the Department ~~shall~~ will not be liable for complying with the court's order, and no cause of action will accrue against the Department for not enforcing the ignition interlock requirement in the civil administrative license suspension under Section 18-8002A, Idaho Code. (3-31-22)()

011. -- 099. (RESERVED)

100. CERTIFICATION PROCESS.

01. Equipment Standards. A device must be produced by a manufacturer who maintains certification to the current International Organization for Standardization (ISO) 9001 Quality Management Systems for aspects related to the design, maintenance and distribution of the device. Written documentation demonstrating compliance with this requirement ~~shall~~ will be submitted to the Department by the manufacturer on an annual basis. Additionally, a device must meet or exceed the National Highway Traffic Safety Administration's (NHTSA) model specifications for breath alcohol ignition interlock devices (BAIIDs) as published in the Federal Register/Vol. 78, No. 89/ Wednesday, May 8, 2013 and are subject to subsequent standards published by NHTSA. Written documentation from an independent testing laboratory that is an International Organization for Standardization (ISO) 17025 certified testing laboratory performing the tests as specified, will be accepted as proof of meeting or exceeding the NHTSA Model Specifications for BAIIDs. The documentation from the ISO 17025 certified testing laboratory ~~shall~~ will include: the name, physical location, mailing address and phone number of the testing laboratory; a description of the tests performed; copies of the data and results of the testing procedures; and the name of the device being submitted for approval. (3-31-22)()

a. A manufacturer must report in writing to the Department a material device modification if there is a material change affecting the customer functionality, customer communication or accuracy of the device. Upon written receipt of a material device modification, the Department within thirty (30) days will determine whether written documentation from an independent testing laboratory that is ISO 17025 accredited will be required prior to implementing device usage in Idaho. (3-31-22)

b. Devices that were certified under less stringent IDAPA rules governing BAIID devices or previous model specifications as published in the Federal Register will be grandfathered for use in the state for a period no longer than one hundred eighty (180) days from the effective date of the most recent published device specifications at which time the Letter of Certification for the device will be revoked pursuant to Subsection 100.05 ~~of these rules,~~ and removed in accordance with Subsection 100.07 ~~of these rules.~~ (3-31-22)()

02. Proof of Insurance. The manufacturer ~~shall~~ will annually provide to the Department proof of insurance with minimum liability limits of one million dollars (\$1,000,000) per occurrence, with three million dollars (\$3,000,000) aggregate total. The liability covered ~~shall~~ will include defects in product design and materials, as well as workmanship during manufacture, calibration, installation and removal. The proof of insurance ~~shall~~ will include a statement from the insurance carrier that thirty (30) days' notice ~~shall~~ will be given to the Idaho Transportation Department prior to cancellation. (3-31-22)()

03. Hold Harmless. The manufacturer ~~shall~~ will provide to the Department a notarized statement that the manufacturer will be totally responsible for product liability and will indemnify the following from any liability resulting from the device or its installation or use: (3-31-22)()

- a. The state of Idaho; and (3-31-22)
- b. The court that ordered the installation of the device. (3-31-22)
- c. The county, its employees and designees administering the program. (3-31-22)

04. Manufacturer's Reporting Requirements. The manufacturer ~~shall~~ will provide the Department a description of its installation and monitoring procedures, maintenance technician training program, and set of criteria for monitoring and reporting offenders. (3-31-22)()

05. Criteria for Certification and/or Revocation. Upon receipt of the required documentation from the Manufacturer as set forth in Subsections 100.01 through 100.04 ~~of these rules~~ the Department ~~shall~~ will issue a Letter of Certification for the device. The Letter of Certification ~~shall~~ will be valid until voluntarily surrendered by the manufacturer or until revoked by the Department for cause. Reasons for revocation include, but are not limited to: (3-31-22)()

- a. Evidence of repeated device failures due to gross defects in design, materials and/or workmanship during manufacture, installation or calibration of the device; (3-31-22)
- b. Notice of cancellation of manufacturer's liability insurance is received; or (3-31-22)
- c. Notification that the manufacturer is no longer in business. (3-31-22)
- d. Voluntary request of the manufacturer to remove a device from the certified list; (3-31-22)
- e. Any other reasonable cause to believe the device was inaccurately represented to meet the performance standards; or (3-31-22)
- f. Failure to submit required reports to the Department. (3-31-22)

06. Notice of Revocation. Unless necessary for the immediate good and welfare of the public, revocation ~~shall~~ will be effective twenty-one (21) days after manufacturer's receipt of notice, which ~~shall~~ will be sent via certified mail, return receipt requested. A copy of each Notice of Revocation and final outcome ~~shall~~ will be provided to all originating courts or their designees and lessees utilizing the revoked device with notice to contact the manufacturer for a replacement. (3-31-22)()

07. Removal of Revoked Devices. Upon revocation or voluntary surrender of a certified device, a manufacturer ~~shall~~ will be responsible for removal of all like devices from lessees' vehicles. (3-31-22)()

a. A manufacturer will be responsible for any costs connected with removal of their revoked devices from lessees' vehicles and the installation of certified replacement devices. (3-31-22)

b. The manufacturer must obtain and maintain a bond in the amount of thirty-five thousand dollars (\$35,000). The bond ~~shall~~ will inure to the benefit of the State of Idaho and ~~shall~~ will be used to reimburse expenses related to the device services incurred by any lessee who is required to equip a vehicle with a device by the State of Idaho because a manufacturer's certification is being refused, suspended, or revoked. The bond must include the following: (3-31-22)()

- i. The bond must be issued by a corporate surety licensed to do business within the State of Idaho; (3-31-22)
- ii. The surety ~~shall~~ will have the ability to cancel the bond and give notice that the bond is cancelled for any reason and ~~shall~~ will continue to be liable under the bond until the commissioner of public safety receives

notice; (3-31-22)()

iii. The bond must be executed to the State of Idaho; and (3-31-22)

iv. The original bond must be filed and held in the Department's office. (3-31-22)

08. Right to Appeal. Upon voluntary surrender, written notice of or revocation of a Letter of Certification for a manufacturer's device, manufacturers may request a review of the revocation. Such request ~~shall~~ will be submitted to the Department, in writing, within twenty (20) days of receiving the written notice of revocation. (3-31-22)()

09. Repository for Letter of Certification. The Department ~~shall~~ will maintain a file of all existing Letters of Certification. (3-31-22)()

101. -- 199. (RESERVED)

200. INSTALLATION STANDARDS.

01. Installer. Device must be installed by a manufacturer or manufacturer's representative. (3-31-22)

02. Unauthorized Persons. Lessees or other unauthorized persons ~~shall~~ will not be allowed to watch the installation or removal of the device. (3-31-22)()

03. Security. Adequate security measures must be taken to prevent unauthorized persons from accessing secured materials (tamper seals, installation instructions, etc.) (3-31-22)

04. Installation Instructions. Each manufacturer ~~shall~~ will develop written instructions for installation of its device(s). (3-31-22)()

05. Vehicle Condition Screen. The installer must screen vehicles for acceptable mechanical and electrical condition, in accordance with the device manufacturer's instructions. (3-31-22)

06. Mandatory Vehicle Maintenance. Conditions that would interfere with the function of the device, (e.g. low battery or alternator voltage, stalling frequent enough to require additional breath tests, etc.) must be corrected to an acceptable level. (3-31-22)

07. Installation Standards. Installations must be made in a workmanlike manner, within accordance to accepted trade standards, and according to the instructions provided by the manufacturer. (3-31-22)

08. Device Removal Standards. When a device is removed, the vehicle must be reasonably restored to its original condition. All severed wires must be permanently reconnected and insulated with heat shrink tubing or its equivalent. (3-31-22)

201. -- 299. (RESERVED)

300. DEVICE MAINTENANCE AND REPORTS.

01. Device Examination Schedule. Each lessee ~~shall~~ will have the device examined by a manufacturer or manufacturer's representative for correct calibration and evidence of tampering every sixty (60) days, or more often as may be ordered by the originating court, or less frequently, as may be ordered by the originating court. (3-31-22)()

02. Report of Examination. A report on the results of each check ~~shall~~ will be provided to the trial court administrator or designee of the originating court. The report ~~shall~~ will reflect what adjustments, if any, were necessary in the calibration of the device, any evidence of tampering or circumvention, and any other available information the originating court may order. (3-31-22)()

03. Corrective Action Report. Upon request of the originating court, diversion program administrator or their designee complaints by the lessee ~~shall~~ will be accompanied by a statement of the actions taken to correct the problem(s). Reports of the problem(s) and action(s) taken ~~shall~~ will be submitted to the originating court or its designee within three (3) business days. (3-31-22)()

04. Additional Report. Upon request, an additional report will be provided to the Department on a quarterly basis summarizing all periodic checks ordered by the originating court and all complaints received by the manufacturer from the lessee for each model or type of certified device. These reports ~~shall~~ will be categorized by: (3-31-22)()

- a. Customer error of operation. (3-31-22)
- b. Faulty automotive equipment other than the device. (3-31-22)
- c. Apparent misuse or attempts to circumvent the device, causing damage. (3-31-22)
- d. Device failure due to material defect, design defect, workmanship errors in construction, installation or calibration. (3-31-22)

301. DEVICE SECURITY.

01. Tampering or Circumvention Precaution. The manufacturer ~~shall~~ will take all reasonable steps necessary to prevent tampering or physical circumvention of the device. (3-31-22)()

02. Device Identification. Each device ~~shall~~ will be uniquely serial numbered. All reports to the trial court administrator or designee of an originating court concerning a particular device ~~shall~~ will include the name and address of the lessee, the originating court's file number, and the unique number of the device. (3-31-22)()

03. Warning Label. The manufacturer ~~shall~~ will provide a label containing a notice (at least ten (10) point boldface type) on each certified device which is visible to the lessee at all times reading: WARNING: ANY PERSON TAMPERING, CIRCUMVENTING, OR OTHERWISE MISUSING THIS DEVICE MAY BE SUBJECT TO CRIMINAL SANCTIONS. (Section 18-8009, Idaho Code) (3-31-22)()

04. Physical Anti-Tamper Security. (3-31-22)

- a. Use unique, easily identifiable wire, covering or sheathing over all wires used to install the device, which are not inside a secured enclosure. (3-31-22)
- b. Make all connections to the vehicle under the dash or in an inconspicuous area of the vehicle. (3-31-22)
- c. Use unique, easily identifiable tamper seal, epoxy or resin at all openings and exposed electrical connections for the device (except breath or exhaust ports). (3-31-22)

05. Personnel Requirements. Devices must be installed, inspected, tested and maintained by a qualified manufacturer or manufacturer's representative. (3-31-22)

a. Installers must have the training and skills necessary to install, troubleshoot and check for proper operation of the device, and to screen the vehicle for acceptable operating conditions. (3-31-22)

b. Installers whose functions and duties include installing, calibrating, performing tamper and circumventions inspections and reporting duties, should not have been convicted of a crime substantially related to the convicted lessee's violation. This includes, persons convicted of: Driving under the influence (DUI) within the last five (5) years; more than one (1) DUI overall; probation violation; and perjury. (3-31-22)

c. For the purposes of this section, "convicted" ~~shall~~ includes entering a plea of guilty, nolo contendere, or to have been found guilty or been given a withheld judgment. (3-31-22)()

302. -- 399. (RESERVED)

400. MANDATORY OPERATIONAL FEATURES.

Notwithstanding other provisions of this ~~rule~~ chapter, a certified device must comply with the following:

(3-31-22)()

01. Device Setpoint. The setpoint of each device to interlock when the breath sample is provided point zero two five (.025) or greater (Section 18-8008(2), Idaho Code). The capability to change this setting ~~shall~~ will be made secure, by the manufacturer, to prevent unauthorized adjustment of the device. (3-31-22)()

02. Camera. Every device currently installed in a vehicle must be equipped with a camera that is not located inside the handset and is mounted to the vehicle in such a way to capture a reference photo at the time of installation and a digital image of the driver sitting in the driver's compartment when a breath sample is submitted, refused, or the device is circumvented. The de-vice must store all data, including the image, time, date, and BrAC of the accepted breath sample each time the individual attempts to use the device. (3-31-22)

a. The device camera must function in all lighting conditions. (3-31-22)

b. All images and data collected between calibration periods must be stored in the device's data storage system and be downloadable at the time of calibration by the device manufacturer or manufacturer's representative in order to ensure proper record maintenance. (3-31-22)

401. OTHER PROVISIONS.

Notwithstanding other provisions of this ~~rule~~ chapter, each manufacturer of a certified device:

(3-31-22)()

01. Repair Deadline. ~~Shall~~ will guarantee repair or replacement of a defective device within the state of Idaho within a maximum of forty-eight (48) hours of receipt of complaint. (3-31-22)()

02. Statement of Charges. The manufacturer or the manufacturer's representative will provide the originating court, diversion program administrator or its designee, and the lessee a statement of all device charges clearly specifying warranty details, purchased cost, and/or monthly lease amount, any additional charges anticipated for routine calibration and service checks, what items (if any) are provided without charge, and under what conditions a lessee is responsible for payment for service calls and/or damage to the device. (3-31-22)

03. Notice of Installation. Upon installation of each device, the manufacturer or its representative will provide the trial court administrator, diversion program administrator or designee of the originating court with a notice of installation that includes the name, address and telephone number of the lessee, the originating court's file number, and the unique number of the device. (3-31-22)

04. Nationwide Service Center Locations. Prior to installation, the manufacturer or manufacturer's representative will provide the following to all lessees: (3-31-22)

a. A list of all calibration/service locations in the continental United States. The list will include the business name, address and telephone number of all locations. (3-31-22)

b. A twenty-four (24) hour telephone number to call for service support for those who may be traveling outside service areas. (3-31-22)

05. Statewide Service Center Locations. Prior to installation, the manufacturer or the manufacturer's representative will provide the following to all lessees: (3-31-22)

a. A list of all calibration/service locations in the state of Idaho. The list will include the business name, address and telephone number of all locations. (3-31-22)

b. Will notify the Department of the location, including address, phone number and contact person, of each service center in Idaho. (3-31-22)

06. Removal of Device. The manufacturer or manufacturer's representative will advise the originating court, diversion program administrator or its designee prior to removing the device under circumstances other than: (3-31-22)

a. Completion of sentence or other terms of a court order. (3-31-22)

b. Immediate device repair needs. (3-31-22)

09. Substitute Device. Whenever a device is removed for repair and cannot immediately be reinstalled, a substitute device ~~shall~~ will be utilized. Under no circumstances ~~shall~~ will a lessee's vehicle be permitted to be driven without a required device. (3-31-22)()

402. REMOVAL PROCEDURES.

When so notified in writing by the originating court, the manufacturer or the manufacturer's representative ~~shall~~ will remove the device and return the vehicle to normal operating condition. A final report, which includes a summary of all fees paid by the lessee over the life of the contract, ~~shall~~ will be forwarded to the originating court, diversion program administrator or its designee and the Department. (3-31-22)()

403. -- 499. (RESERVED)

500. PRIMARY RESPONSIBILITIES OF AGENCIES/OFFICES MONITORING THIS ~~RULE~~ CHAPTER.

Listed below are some of the primary responsibilities of the indicated offices/agencies, as outlined in this ~~rule~~ chapter. (3-31-22)()

01. Testing Lab. (3-31-22)

a. Test devices for minimum standards. (3-31-22)

b. Submit notarized statement and copy of the Certification Test Report to manufacturer. (3-31-22)

c. Keep log of test results. (3-31-22)

02. Manufacturer or Manufacturer's Representative. (3-31-22)

a. Submit device to lab for testing. (3-31-22)

b. Install, maintain and remove device as required by court. (3-31-22)

c. Set interlock level as established by Idaho Code. (3-31-22)

d. Submit quarterly (or more frequent) maintenance reports to originating court or its designee. (3-31-22)

e. Upon request, submit quarterly reports to the Department summarizing periodic device examinations and all complaints received. (3-31-22)

f. Provide court, diversion program administrator or its designee, or lessee and Department with statement of charges and/or any additional fees. (3-31-22)

g. Provide lessee with service and repair information. (3-31-22)

h. Provide the Department with proof of insurance annually. (3-31-22)

i. Report any attempt to disconnect any device to originating court, diversion program administrator or its designee. (3-31-22)

j. Advise court, diversion program administrator or its designee before removing any device unless authorized or in need of immediate repair. (3-31-22)

03. ~~Idaho Transportation Department.~~ (3-31-22)()

a. Maintain a list of known calibration/service locations in the state. (3-31-22)

b. Issue Letter of Certification for each device model to manufacturer. (3-31-22)

c. When necessary, revoke Letter of Certification. (3-31-22)

d. Maintain file of all letters. (3-31-22)

e. Maintain file of statement of charges (by device model). (3-31-22)

f. Maintain proof of insurance. (3-31-22)

04. Court. (3-31-22)

a. The judge or prosecuting attorney as the diversion program administrator or their designee will order device installation, maintenance and removal. (3-31-22)

b. The trial court administrator, diversion program administrator or their designee of the originating court will receive maintenance reports on each device installed pursuant to court order. (3-31-22)

c. The trial court administrator, diversion program administrator or their designee of the originating court will receive an itemized statement of charges. (3-31-22)

d. The trial court administrator, diversion program administrator or their designee of the originating court will receive manufacturer's reports of attempts to disconnect any device. (3-31-22)

e. The trial court administrator or diversion program administrator or their designee will receive reports and a declaration from the lessee's ignition interlock vendor, on a form provided or approved by the diversion program administrator or their designee, certifying that none of the following incidents occurred while the system was installed in the lessee's vehicle(s): (3-31-22)

i. Attempt to start vehicle with a B~~r~~AC of zero point zero four (0.04) or more; (3-31-22)()

ii. Failure of the lessee to take any random test; or (3-31-22)

iii. Failure of the lessee to pass any random retest with a B~~r~~AC of zero point zero two five (0.025) or lower. (3-31-22)()

iv. Failure of the lessee to appear when required at vendor's place of business for maintenance, repair, calibration, monitoring, inspection or replacement of the system. (3-31-22)

05. Lessee. (3-31-22)

a. Have device installed and maintained as ordered by court. (3-31-22)

b. Receive itemized statement of charges and remit fees as scheduled. (3-31-22)

c. Receive and comply with guidelines regarding repairing and maintaining the vehicle in good working order. (3-31-22)

501. -- 999. (RESERVED)

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL CENTERS

DOCKET NO. 55-0103-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 33-101](#), [33-105](#), [33-107](#), [33-1002G](#), [33-1629](#), [33-2202](#), [33-2207](#), and [33-2211](#) in 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 15, 2025.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than one (1) day 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 amendment would remove an unnecessary term that is federally defined as part of the [Perkins V](#) program to align with federal changes. The proposed amendment removes the definition of the term concentrator and the reference to the term concentrator from the definition of participation. The current methodology references enrolled concentrator students in a capstone course because the students in a capstone course already meet the definition of a concentrator.

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

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

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2025 Idaho Administrative Bulletin, [Volume 25-6](#), p 357-358.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nicholas Wagner at rules@edu.idaho.gov or (208)-488-7586.

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 22, 2025.

DATED this 21st day of August, 2025.

Nicholas Wagner, Agency Rules Coordinator
Idaho State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
Phone: (208)488-7586
Fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 55-0103-2501
(Only Those Sections With Amendments Are Shown.)

55.01.03 – RULES OF CAREER TECHNICAL CENTERS

005. DEFINITIONS.

01. Administrator. A designated school administrator, holding a career technical education program administrator certificate pursuant to IDAPA 08.02.02, “Rules Governing Uniformity,” Subsection 015.04.b., and who oversees and monitors the career technical center programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. (7-1-24)

02. Capstone Course. A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. (7-1-24)

~~**03. Concentrator Student.** A student enrolled in the career technical education program capstone course. (7-1-24)~~

~~**04.**~~ **043. Division.** The Division of Career Technical Education. (7-1-24)

~~**05.**~~ **054. Enrollment Units.** The total number of individual EDUIDs that are reported as enrolled during the previous academic year in a qualifying capstone course, as determined by the division. (7-1-24)

~~**06.**~~ **065. Intermediate Course.** A course beyond the introductory level that adds to the technical competencies of pathway students, is intended to serve as a prerequisite for a capstone course and is offered in grades 9 through 12. (7-1-24)

~~**07.**~~ **076. Participation-Data.** The number of technical skills assessments taken by enrolled ~~concentrator~~ students as part of each required capstone course during the previous academic year. (7-1-24)()

~~**08.**~~ **087. Technical Skills Assessment.** An assessment given at the culmination of a pathway program during the capstone course and measures a student’s understanding of the technical requirements of the occupational pathway. (7-1-24)

~~**09.**~~ **098. Work-based Learning Course.** A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical center program of study. This course must be delivered in conjunction with or after completion of a capstone course. Work-based learning courses must be tied to the program of study, and must be formalized through a written agreement between the school, industry partner, parent, and student. (7-1-24)

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD
57.01.01 – RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD
DOCKET NO. 57-0101-2501
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to [Section 18-8314](#), 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 15, 2025.

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 rule reduces the number of continuing education hours required of SOMB certified senior and associate level psychosexual evaluators and sexual offender treatment providers from forty (40) hours of specialized continuing education to thirty (30) hours of specialized continuing education. This rule also reduces the number of continuing education hours required of SOMB certified provisional level psychosexual evaluators and sexual offender treatment providers from twenty (20) hours of specialized continuing education to fifteen (15) hours of specialized continuing education. This rule change mirrors the continuing education requirement of related licensing boards in recent years. This rule incorporates by reference the Board's updated standards and guidelines related to continuing education for adult and juvenile certified providers based upon the reduction of continuing education hours provided above.

The SOMB is also removing SOMB IDAPA Rule 101, Continuing Education for Psychosexual Evaluators and Sexual Offender Treatment Provider, and SOMB IDAPA Rule 231, Continuing Education for POST Conviction Sexual Offender Polygraph Examiners. These Rules are redundant as continuing education requirements are detailed in the SOMB Standards and Guidelines for Adult Sexual Offender Management Practices and the Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders, which are incorporated by reference in Rule 003.

The SOMB is also eliminating redundant, non-substantive information from the rules.

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

This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

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

There will not be any impact on the General Fund as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted regarding continuing education hours. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the April 2, 2025, Idaho Administrative Bulletin, [Vol. 25-4, pages 47-48](#).

Negotiated rulemaking was not conducted regarding the removal of Sections 101 and 231, as well as eliminating redundant, non-substantive information from the rules, as these changes are simple, non-substantive and considered maintenance or clean-up to streamline the rule chapter. However, the Board was apprised of the changes.

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The practice standards and certification qualifications established by the agency pursuant to Section 18-8314, Idaho Code, are compiled into documents entitled “Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices;” “Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders;” which are all incorporated by reference into this rulemaking to give them the force and effect of law. These documents, as well as The American Association of Police Polygraphists “Standards and Principles;” and The American Polygraph Association “Standards of Practice” are not being reprinted in this chapter of rules due to their length and format as well as the cost for republication. They can be found on the agency’s website: <http://somb.idaho.gov>.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nancy Volle at (208) 605-4782.

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 22, 2025.

DATED this 29th day of September, 2025.

Nancy Volle, SOMB Program Manager
Sexual Offender Management Board
1299 N Orchard St Ste#110
Boise, ID 83706
Phone: (208) 605-4782
somb@idoc.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 57-0101-2501
(Only Those Sections With Amendments Are Shown.)

57.01.01 – RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD

000. LEGAL AUTHORITY.

~~This chapter is adopted under the legal authority of Section 18-8314(3), Idaho Code, to implement the provisions of Sections 18-8312 through 18-8316, Idaho Code.~~ (3-23-22)()

001. SCOPE.

01. Scope. These rules implement Sections 18-8312 through 18-8316, Idaho Code, and provide procedures for the Sexual Offender Management Board (SOMB) to: (3-23-22)()

a. Establish certified evaluator, sexual offender treatment provider and post conviction sexual offender polygraph examiner qualifications; (3-23-22)

b. Establish standards for psychosexual evaluations and sexual offender treatment programs based on current and evolving best practices; (3-23-22)

c. Approve, issue, renew, deny, suspend, revoke, restrict or otherwise monitor a certification; (3-23-22)

- d. Establish fees for initial and renewal certification; (3-23-22)
- e. Establish procedures for standards and qualification quality assurance; and (3-23-22)
- f. Establish standard protocols for sexual offender management, assessment and classification. (3-23-22)

002. (RESERVED)

003. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into these rules: (3-23-22)

01. The American Association of Police Polygraphists “Standards and Principles,” © AAPP 2018 v.14.110, is herein incorporated by reference and is available from the American Association of Police Polygraphists, PO Box 657, Waynesville, Ohio 45068, website <https://www.americanassociationofpolicepolygraphists.org/web/public/standards>. (3-23-22)

02. The American Polygraph Association “Standards of Practice,” effective August 23, 2019, and “Code of Ethics,” effective September 1, 2015, are herein incorporated by reference and are available from the American Polygraph Association, PO Box 8037, Chattanooga, Tennessee 37414, website <https://www.polygraph.org>. (3-23-22)

03. “Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices,” ~~October 2020~~ **February 2025** revision, is herein incorporated by reference and is available from the Board’s office and on the Board website, <https://somb.idaho.gov/>. (3-23-22)()

04. “Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders,” ~~October 2020~~ **February 2025** revision, is herein incorporated by reference and is available from the Board's office and on the Board's website, <https://somb.idaho.gov/>. (3-23-22)()

004. -- 009. (RESERVED)

010. DEFINITIONS.

01. Board. The Sexual Offender Management Board described in Section 18-8312, Idaho Code. (3-23-22)

02. Central Roster. A roster of evaluators, treatment providers and polygraph examiners, who meet the qualifications and are certified by the Board to conduct psychosexual evaluations, provide sexual offender treatment or conduct post-conviction sexual offender polygraphs. (3-23-22)

03. Certificate Holder. A person who has been approved by the Board and certified as meeting qualifications to conduct or assist in the conduct of psychosexual evaluations, provide sexual offender treatment or conduct post conviction sexual offender polygraphs. (3-23-22)

04. Certified Evaluator. Either a psychiatrist licensed by this state pursuant to Title 54, Chapter 18, Idaho Code, or a master’s or doctoral level mental health professional licensed by this state pursuant to Title 54, Chapters 23, 32, or 34, Idaho Code. The evaluator shall have by education, experience, and training, expertise in the assessment and treatment of sexual offenders, meet the qualifications, and be approved by the Board to perform psychosexual evaluations in this state, as described in Section 18-8314, Idaho Code. A person meeting this definition may be certified by the Board as either a senior/approved certified evaluator or an associate/supervised certified evaluator. (3-23-22)

05. Certified Post Conviction Sex Offender Polygraph Examiner. A polygraph examiner who has received specialized post conviction sexual offender testing training, and who is certified by the Board to conduct post conviction sexual offender polygraph examinations as ordered or required by the court, Idaho Department of

Correction, or Idaho Commission for Pardons and Parole. A person meeting this definition may be certified by the Board as either a senior/approved post conviction sexual offender polygraph examiner or an associate/supervised post conviction sexual offender polygraph examiner. (3-23-22)

06. Certified Treatment Provider. A person who has been certified by the Board as meeting qualifications to provide sexual offender treatment as ordered by the court, Idaho Department of Correction, Idaho Commission for Pardons and Parole, or Idaho Department of Juvenile Corrections. Such person shall be licensed by this state or another state or jurisdiction as a psychiatrist, or a master's or doctoral level mental health professional, and who has by education, experience and training, expertise in the treatment of sexual offenders. A person meeting this definition may be certified by the Board as either a senior/approved sex offender treatment provider or an associate/supervised sex offender treatment provider. (3-23-22)

07. Client. An adult or juvenile receiving services from a person certified by the Board pursuant to Section 18-8314, Idaho Code. (3-23-22)

08. Established Standards. The "Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices" and the "Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders" as referenced in Section 004 of these rules and established pursuant to Section 18-8314, Idaho Code. (3-23-22)

09. Post Conviction Sexual Offender Testing (PCSOT). PCSOT is specialized instruction beyond the basic polygraph training for the purpose of specific polygraph testing of post convicted sexual offenders. ()

0910. Provisional/Supervised Psychosexual Evaluator. A person with limited clinical experience and specialized training, who may be licensed or is working toward licensure as a psychiatrist or master's or doctoral level mental health professional, who is authorized by the Board to assist with the conduct of psychosexual evaluations under the clinical supervision of a senior/approved psychosexual evaluator. A person with a provisional/supervised psychosexual evaluator certificate is not considered to be a certified evaluator as defined in Section 18-8303, Idaho Code or for the purposes of conducting a psychosexual evaluation in accordance with Section 18-8316, Idaho Code. Certification approval is specific to adult or juvenile clients. (3-23-22)

101. Provisional/Supervised Sex Offender Treatment Provider. A person with limited clinical experience and specialized training, who may be licensed or is working toward licensure as a psychiatrist or master's or doctoral level mental health professional, who is authorized by the Board to provide sexual offender treatment under the clinical supervision of a senior/approved sex offender treatment provider. Certification approval is specific to adult or juvenile clients. (3-23-22)

112. Psychosexual Evaluation. A comprehensive evaluation and assessment specifically addressing a person's sexual development, sexual deviancy, sexual history and risk of re-offense. A psychosexual evaluation for the purpose of these rules is conducted post conviction, as ordered by the court pursuant to Section 18-8316, Idaho Code, or Title 20, Chapter 5, Idaho Code, by a person who has been certified by the Board. (3-23-22)

123. Quality Assurance. Processes established by the Board to review psychosexual evaluations and sexual offender treatment procedures to assure minimum standards and certificate holder qualifications are met. All quality assurance reviews will be conducted under the direction of the Board. (3-23-22)

134. Sexual Offender. A person adjudicated or convicted of an offense as listed in Section 18-8304, Idaho Code, or a substantially equivalent offense under the laws of another state, territory, commonwealth, or other jurisdiction of the United States including tribal courts and military courts; or who has been adjudicated or convicted of a sexual offense-related crime. (3-23-22)

145. Sexual Offender Classification Board (SOCB). A board in effect from 1998 to 2011 that determined whether a sexual offender should be designated as a violent sexual predator; set certified evaluator qualifications and standards; and administered an evaluator certification process. (3-23-22)()

156. Supervision. (3-23-22)

a. For purposes of clinical practice supervision for associate/supervised psychosexual evaluator or associate/supervised sex offender treatment provider certification, supervision is generally considered as face-to-face direct contact, documented teleconferencing, or interactive video conferencing with a Board-approved supervisor using a ratio of one (1) hour of clinical supervision for every twenty (20) hours of direct service provided; or (3-23-22)

b. For purposes of clinical practice supervision for provisional/supervised psychosexual evaluator or provisional/supervised treatment provider certification, supervision is considered as continual face-to-face direct contact with a Board-approved supervisor for the first two hundred fifty (250) hours of direct service provided followed by face-to-face direct contact with a Board-approved supervisor using a ratio of one (1) hour of clinical supervision for every fifteen (15) hours of direct service provided; or (3-23-22)

c. For purposes of supervision for associate/supervised post conviction sexual offender polygraph examiners, supervision is generally considered as face-to-face direct contact with a Board-approved supervisor during conduct of the supervisee's first five (5) PCSOT polygraphs followed by review by a Board-approved supervisor of one (1) PCSOT polygraph for every five (5) PCSOT polygraphs conducted by the supervisee. Such review shall include chart and report review. (3-23-22)

167. Treatment. For purposes of certification eligibility the provision of face-to-face individual, group, or family therapy with a person who has been investigated by law enforcement or child protective services for commission of a sexual offense, or who has been adjudicated or convicted of a sexual offense or sexual offense-related crime. Treatment must be directly relevant to the client's sexually offending behavior. (3-23-22)

178. Violent Sexual Predator. A person who was designated as a violent sexual predator by the ~~Sexual Offender Classification Board~~ **SOCB** where such designation has not been removed by judicial action or otherwise. (3-23-22)()

~~011. ABBREVIATIONS.~~

~~01. APA.~~ The American Polygraph Association. (3-23-22)

~~02. PCSOT.~~ "Post-conviction sexual offender testing" is specialized instruction beyond the basic polygraph training for the purpose of specific polygraph testing of post-convicted sexual offenders. (3-23-22)

~~03. SOCB.~~ The Sexual Offender Classification Board. (3-23-22)

~~04. SOMB.~~ The Sexual Offender Management Board. (3-23-22)

~~0121. -- 019.~~ (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

~~101. CONTINUING EDUCATION FOR PSYCHOSEXUAL EVALUATORS AND SEXUAL OFFENDER TREATMENT PROVIDERS.~~

To maintain certification as a psychosexual evaluator or sexual offender treatment provider, a certificate holder must receive continuing education in the field of sexual abuse. (3-23-22)

~~01. Senior/Approved and Associate/Supervised Certification Levels.~~ A psychosexual evaluator or sexual offender treatment provider who is certified at a senior/approved or an associate/supervised level must receive a minimum of forty (40) hours of specialized continuing education in the form of formal conferences, symposia, seminars, workshops or on line training over the course of the two year period prior to each renewal period as set forth in the established standards issued by the Board. A certificate holder not meeting the continuing education requirements may formally petition the SOMB for a sixty-day extension to submit proof of meeting continuing education requirements. (3-23-22)

~~02. **Provisional/Supervised Certification Level.** A provisional/supervised psychosexual evaluator or sexual offender treatment provider must receive a minimum of twenty (20) hours of specialized continuing education in the form of formal conferences, symposia, seminars, workshops or on-line training annually as set forth in the established standards issued by the Board. A certificate holder not meeting the continuing education requirements may formally petition the SOMB for a sixty day extension to submit proof of meeting continuing education requirements.~~ (3-23-22)

~~1021.~~ -- 149. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

201. LEVELS OF POST CONVICTION SEXUAL OFFENDER POLYGRAPH EXAMINER CERTIFICATION.

The Board issues certificates within two (2) levels reflective of a person's experience in conducting post conviction sexual offender polygraphs. (3-23-22)

01. Senior/Approved Post Conviction Sexual Offender Polygraph Examiner. (3-23-22)

- a. Has graduated from an American Polygraph Association (APA)-accredited polygraph school; (3-23-22)()
- b. Has successfully completed a minimum of forty (40) hours of formal post conviction sexual offender polygraph testing beyond the basic polygraph training course requirements from an APA-accredited program or school; and (3-23-22)
- c. Has successfully completed a minimum of one hundred (100) polygraph examinations. Of this requirement, a minimum of ten (10) sexual history polygraph examinations and a minimum of ten (10) PCSOT maintenance polygraph examinations shall have been conducted within the three (3) years immediately preceding an initial application for certification at this level, as set forth in the established standards issued by the Board; (3-23-22)

02. Associate/Supervised Post Conviction Sexual Offender Polygraph Examiner. (3-23-22)

- a. Has graduated from an APA-accredited polygraph school; (3-23-22)
- b. Has successfully completed a minimum of forty (40) hours of formal post conviction sexual offender polygraph testing beyond the basic polygraph training course requirements from an APA-accredited program or school; and (3-23-22)
- c. Shall only conduct polygraphs under the supervision of a Board-approved supervisor as defined in Paragraph 010.15.c. of these rules, and under the terms of a formal supervision agreement. (3-23-22)

~~202. --230.~~ (RESERVED)

~~**231. CONTINUING EDUCATION FOR POST CONVICTION SEXUAL OFFENDER POLYGRAPH EXAMINERS.**~~

~~To maintain certification as a post conviction sexual offender polygraph examiner, a certificate holder must receive a minimum of thirty (30) hours of continuing education related to the field of polygraphy in the form of formal conferences, symposia, seminars, or workshops over the course of the two year period prior to each renewal period as set forth in the established standards issued by the Board. A certificate holder not meeting the continuing education requirements may formally petition the SOMB for a sixty day extension to submit proof of meeting continuing education requirements.~~ (3-23-22)

~~232. -- 299.~~ (RESERVED)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 – IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-2502

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section [67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by [Chapter 1, Title 39](#), Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section [67-5222\(2\)](#), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before October 15, 2025. If no such written request is received, a public hearing will not be held. One public meeting was held during the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking for IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems,” to address public drinking water system stakeholder concerns regarding the 80 psi maximum distribution system pressure limit in IDAPA 58.01.08.552.01.b.v. This rule was revised under Docket No. 58-0108-2301, in an attempt to provide clarity and align the rule with national engineering standards.

The rule change made to IDAPA 58.01.08.552.01.b.v. became effective on July 1, 2024, and has resulted in unintended impacts to existing public drinking water systems related to distribution system design, construction, and operation. The rule change has complicated pressure-related operations within existing distribution system mains where the original system was designed to exceed 80 psi static pressure and could result in increased costs for construction or modification of new and existing public water system distribution mains. DEQ seeks to remedy this problem by reverting the psi requirement to its previous level to reduce the cost and regulatory burden impacting Idaho businesses.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2026 Idaho Legislature, the rule will become effective on July 1, 2026, unless otherwise specified in the concurrent resolution.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to [Section 67-5220](#), Idaho Code. On August 6, 2025, the Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the Idaho Administrative Bulletin. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/drinking-water-docket-no-58-0108-2502/>.

IDAHO CODE SECTION 39-107D STATEMENT: The entirety of section 552.01.b.v. in the proposed rule does regulate an activity not regulated by the federal government but is not broader in scope or more stringent than federal regulations. EPA does not regulate engineering practices, but does require that a state establish and maintain an activity to ensure that the design and construction of new or substantially modified public drinking water systems will be capable of compliance with the primary drinking water regulations under the primacy requirements of [40 CFR 142.10\(b\)\(5\)](#). DEQ’s engineering design standards included in this proposed rule are a part of the State’s EPA-approved program to meet this primacy requirement.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Tyler Fortunati at tyler.fortunati@deq.idaho.gov or (208) 373-0140.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before October 22, 2025. Submit written comments to:

Tyler Fortunati
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
tyler.fortunati@deq.idaho.gov

Dated this 1st day of October, 2025.

Diane Cutler
Rules and Planning Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0165
Diane.Cutler@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0108-2502
(Only Those Sections With Amendments Are Shown.)

552. OPERATING CRITERIA FOR PUBLIC WATER SYSTEMS.

01. Quantity and Pressure Requirements. Design requirements regarding pressure analysis are found in Section 542.13. (7-1-24)

a. The minimum capacity of a PWS must be at least eight hundred (800) gallons per day per residence. (7-1-24)

i. The minimum capacity of eight hundred (800) gallons per day is the design maximum day demand rate exclusive of irrigation and fire flow requirements. (7-1-24)

ii. The minimum capacity of eight hundred (800) gallons per day is only acceptable if the PWS has equalization storage of finished water in sufficient quantity to compensate for the difference between a PWS's maximum pumping capacity and peak hour demand. (7-1-24)

iii. The design capacity of a PWS for material modifications may be less than eight hundred (800) gallons per day if the PWS owner provides information that demonstrates to the Department's satisfaction the maximum day demand for the PWS, exclusive of irrigation and fire flows, is less than eight hundred (800) gallons per day per residence. (7-1-24)

b. All PWS owners must meet the following pressure requirements: (7-1-24)

i. Be capable of providing sufficient water during maximum day demand conditions, including fire flow where provided, to maintain a minimum pressure of twenty (20) psi throughout the distribution system, at ground level, as measured at the service connection or along the property line adjacent to the consumer's premises. (7-1-24)

ii. If an initial investigation by the water supplier fails to discover the causes of inadequate or excessive pressure, the Department may require the water supplier to conduct a local pressure monitoring study to diagnose and correct pressure problems. Compliance with these requirements by PWSs that do not have a meter vault or other point of access at the service connection or along the property line adjacent to the consumer's premises where pressure in the distribution system can be reliably measured must be determined by measurements within the consumer's premises, or at another representative location acceptable to the Department. (7-1-24)

iii. Copies of pressure monitoring study reports required under Subsection 552.01.b.iii. detailing study results and any resulting corrective actions planned or performed by the PWS owner must be submitted to the Department in accordance with these rules. (7-1-24)

iv. The following PWSs or service areas of PWSs must maintain a minimum pressure of forty (40) psi throughout the distribution system, during peak hour demand conditions, excluding fire flow, measured at the service connection or along the property line adjacent to the consumer's premises. (7-1-24)

(1) Any PWS constructed or substantially modified after July 1, 1985. (7-1-24)

(2) Any new service areas. (7-1-24)

(3) Any PWS that is undergoing material modification where it is feasible to meet the pressure requirements as part of the material modification. (7-1-24)

v. ~~Any newly constructed PWSs, or portions of existing systems that are materially modified after July 1, 2024, must~~ All PWSs must keep static pressure within portions of the distribution system that have any service connections below one hundred (100) psi and keep static pressure ~~within the distribution system at service connections~~ below eighty (80) psi. ()

(1) Pressures above ~~eighty~~ one hundred (80/100) psi within portions of the distribution system that have any service connections must be controlled by pressure reducing valve stations installed in the distribution main. In areas where failure of installed pressure reducing valve stations result in extremely high pressure, pressure relief valves may be required. ()

(2) If static pressure at a service connection exceeds 80 psi ~~the Department may approve the use of pressure-reducing devices at for~~ individual service connections on a case-by-case basis, if it can be demonstrated that higher pressures in portions of the distribution system are required for efficient PWS operation. ()

(3) If PWS modification will cause pressure to routinely exceed eighty (80) psi, ~~or if a check valve or an individual pressure-reducing device is added to the service line,~~ the PWS owner must notify affected customers. Notification may include reasons for the elevated pressure, problems or damage that unmitigated elevated pressure can inflict on appliances or plumbing systems, and ~~suggested~~ procedures or mitigation efforts affected property owners may initiate to minimize problems or damage. (7-1-24)()

vi. The Department may allow the installation of booster pump systems at individual service connections on a case-by-case basis. However, such an installation may only occur with the full knowledge and agreement of the PWS owner, including assurance by the PWS that the individual booster pump will cause no adverse effects on PWS operation. (7-1-24)

vii. For elevated storage tanks, pressure calculations during peak hour demand are based on the lowest water level after both operational storage and equalization storage have been exhausted. Pressure calculations during fire flow demands are based on the lowest water level after operational storage, equalization storage, and fire suppression storage have been exhausted. (7-1-24)

viii. For hydropneumatic tanks, pressure calculations are based on the lowest pressure of the pressure cycle and this requirement must be noted in the operation and maintenance manual. (7-1-24)

c. Any PWS designed to provide fire flows must ensure that such flows are compatible with the water demand of existing and planned fire-fighting equipment and fire fighting practices in the area served by the PWS.

(7-1-24)

d. Irrigation Flows. (7-1-24)

i. Any PWS constructed after November 1, 1977, must be capable of providing water for uncontrolled, simultaneous foreseeable irrigation demand, which includes all acreage that the PWS is designed to irrigate. (7-1-24)

(1) The Department must concur with assumptions regarding the acreage to be irrigated. In general, an assumption that no outside watering will occur is considered unsound and is unlikely to be approved. (7-1-24)

(2) An assumption of minimal outside watering, as in recreational subdivisions, may be acceptable if design flows are adequate for maintenance of “green zones” for protection against wildland fire. (7-1-24)

ii. The Department may modify the requirement of Subsection 552.01.d.i. if: (7-1-24)

(1) A separate irrigation system is provided; or (7-1-24)

(2) The supplier of water can regulate the rate of irrigation through its police powers, and the PWS is designed to accommodate a regulated rate of irrigation flow. The Department may require the PWS to submit a legal opinion addressing the enforceability of such police powers. (7-1-24)

iii. If a separate non-potable irrigation system is provided for the consumers, all mains, hydrants and appurtenances must be easily identified as non-potable. The Department must concur with a plan to ensure that each new potable water service is not cross-connected with the irrigation system. (7-1-24)

02. Groundwater. (7-1-24)

a. PWSs supplied by groundwater, must treat water within the PWS by disinfection if the groundwater source is not protected from contamination. (7-1-24)

b. The Department may require disinfection for any existing PWS supplied by groundwater if the PWS has repeated E.coli MCL exceedances, and if the PWS does not appear adequately protected from contamination. Adequate protection will be determined based upon at least the following factors: (7-1-24)

i. Location of possible sources of contamination; (7-1-24)

ii. Size of the well lot; (7-1-24)

iii. Depth of the source of water; (7-1-24)

iv. Bacteriological quality of the aquifer; (7-1-24)

v. Geological characteristics of the area; and (7-1-24)

vi. Adequacy of development of the source. (7-1-24)

03. Operating Criteria. The operating criteria for PWSs that provide filtration are as follows: (7-1-24)

a. A project specific operation and maintenance manual must be provided as required in Subsection 501.12. See definition of Operation and Maintenance Manual in Section 003 for the typical contents of an operation and maintenance manual and the included operations plan. For the operations plan in the operation and maintenance manual, additional guidance for several types of filtration systems can be found in the Department’s SWTR Compliance Guidance referenced in Subsection 002.02. (7-1-24)

b. The PWS must conduct monitoring specified by the Department before serving water to the public

in order to protect the health of consumers served by the PWS. (7-1-24)

c. New treatment facilities must be operated in accordance with Subsection 552.03.a., and the PWS must conduct monitoring specified by the Department for a trial period specified by the Department before serving water to the public in order to protect the health of consumers served by the PWS. (7-1-24)

04. Disinfection. PWSs that regularly disinfect their water using chlorine are subject to the provisions of Section 320. PWSs using surface water or groundwater under the direct influence of surface water, are subject to the disinfection requirements of Sections 300 and 518. PWSs using chlorine, ozone, chlorine dioxide, or other disinfecting agents for the purposes of disinfection must meet the facility and design standards of Sections 530 and 531. PWSs using ultraviolet light for the purposes of disinfection must meet the facility and design standards of Section 529. (7-1-24)

a. PWSs using only ground water that add a disinfectant for the purpose of disinfection, as defined in Section 003, are subject to the following requirements: (7-1-24)

i. The PWS must demonstrate that it is routinely achieving four (4) logs (ninety-nine point ninety-nine percent) (99.99%) inactivation/removal of viruses. The required effective contact time must be approved by the Department. This condition must be attainable even when the design capacity coincides with anticipated maximum disinfectant demands. (7-1-24)

ii. A detectable disinfectant residual must be maintained throughout the distribution system. PWSs disinfecting through ultraviolet light will need to maintain a supplemental disinfectant capable of maintaining a detectable disinfectant residual. (7-1-24)

iii. Analysis for disinfectant residual must be conducted at a location at or prior to the first service connection at least daily and records of these analyses are to be kept by the supplier of water for at least one (1) year. A report of all daily chlorine residual measurements for each calendar month must be submitted to the Department no later than the tenth day of the following month. The frequency of measuring disinfectant residuals must be sufficient to detect variations in demand or changes in water flow. (7-1-24)

iv. The Department may, in its discretion, require a treatment rate higher than that specified in Subsection 552.04.a.i. (7-1-24)

b. PWSs using only groundwater that add disinfectant for the purpose of maintaining a disinfectant residual in the distribution system, when the source(s) is not at risk of microbial contamination, are subject to analysis for disinfectant residual made at a frequency that is sufficient to detect variations in demand or changes in water flow. (7-1-24)

c. PWSs using only groundwater that add chlorine for other purposes, such as oxidation of metals or taste and odor control, when the source(s) is known to be free of microbial contamination, must ensure that chlorine residual entering the distribution system after treatment is less than four (4.0) mg/L. The requirements in Subsection 552.04.b.ii. also apply if the PWS maintains a chlorine residual in the distribution system. (7-1-24)

05. Fluoridation. (7-1-24)

a. Commercial sodium fluoride, sodium silico fluoride and hydrofluosilicic acid which conform to the applicable American Water Works Association (AWWA) Standards, incorporated by reference into these rules at Subsection 002.01, are acceptable. Use of other chemicals must be specifically approved by the Department. (7-1-24)

b. Fluoride compounds are to be stored in covered or unopened shipping containers. (7-1-24)

c. Provisions must be made to minimize the quantity of fluoride dust. Empty bags, drums, or barrels are to be disposed of in a manner that will minimize exposure to fluoride dusts. (7-1-24)

d. Daily records of flow and amounts of fluoride added must be kept. An analysis for fluoride in

finished water must be made at least weekly. Records of these analyses are to be kept by the supplier of water for five (5) years. (7-1-24)

06. Cross Connection Control Program - Community Water Systems. The water purveyor is responsible through its cross connection control program to take reasonable and prudent measures to protect the PWS against contamination and pollution from cross connections through premises isolation, internal or in-plant isolation, fixture protection, or some combination of premises isolation, internal isolation, and fixture protection. Pursuant to Section 543, all suppliers of water for community PWSs must implement a cross connection control program to prevent the entrance to the PWS of materials known to be toxic or hazardous. The water purveyor is responsible to enforce the PWS's cross connection control program. The program will at a minimum include: (7-1-24)

a. An inspection program to locate cross connections and determine required suitable protection. For new connections, PWS owners must verify suitable protection was installed prior to providing water service. (7-1-24)

b. Required installation and operation of adequate backflow prevention assemblies. Appropriate and adequate backflow prevention assembly types for various facilities, fixtures, equipment, and uses of water must be selected from the Uniform Plumbing Code, the AWWA Recommended Practice for Backflow Prevention and Cross Connection Control (M14), the USC Foundation Manual of Cross Connection Control, or other sources deemed acceptable by the Department. The assemblies must meet the requirements of Section 543 and comply with local ordinances. (7-1-24)

c. Annual inspections and testing of all installed backflow prevention assemblies by a tester licensed by a licensing authority recognized by the Department. Testing must be done in accordance with the test procedures published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. See the USC Foundation Manual of Cross-Connection Control referenced in Subsection 002.02. (7-1-24)

d. Discontinuance of service to any structure, facility, or premises where suitable backflow protection has not been provided for a cross connection. (7-1-24)

e. Assemblies that cannot pass annual tests or those found to be defective are to be repaired, replaced, or isolated within ten (10) business days. If the failed assembly cannot be repaired, replaced, or isolated within ten (10) business days, water service to the failed assembly must be discontinued. (7-1-24)

07. Cross Connection Control - Non-Community Water Systems. All suppliers of water for non-community water systems must ensure that cross connections do not exist or are isolated from the potable water system by an approved backflow prevention assembly. Backflow prevention assemblies must be inspected and tested annually for functionality by an Idaho licensed tester, as specified in Subsections 552.06.c. and 552.06.e. (7-1-24)

08. Start-up Procedures For Seasonal Systems Subject To Subsections 100.01.a., c., and d. (7-1-24)

a. All seasonal PWS owners must demonstrate completion of a Department approved start-up procedure, including start-up sampling, prior to serving water to the public. The PWS owner must submit information on a Department provided or approved form that includes a statement certifying that the PWS owner or operator followed proper start-up procedures. The form must be submitted to the Department within 30 (thirty) days following the PWS's start-up date. Start-up sampling must include total coliform samples submitted to a certified laboratory demonstrating the absence of total coliform within thirty (30) days prior to serving water to the public. (7-1-24)

b. The Department may exempt any seasonal PWS from Subsection 552.08.a. if the entire distribution system remains pressurized during the entire period that the PWS is not operating, except that the PWSs that monitor less frequently than monthly must still monitor during the vulnerable period designated by the Department. The Department may exempt a seasonal PWS from Subsection 552.08.a. if the owner or operator of the PWS meets all of the following conditions: (7-1-24)

i. Requests an exemption in writing to the Department for approval; (7-1-24)

- ii. Demonstrates a clean compliance history as defined in Section 003 for a minimum of five (5) years;
(7-1-24)
- iii. Has no uncorrected significant deficiencies from the most recent sanitary survey; and (7-1-24)
- iv. Total coliform samples submitted to a certified laboratory within 30 (thirty) days prior to serving
water to the public demonstrate the absence of total coliform. (7-1-24)

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

62.01.01 – IDAHO RULES OF ADMINISTRATIVE PROCEDURE

DOCKET NO. 62-0101-2501

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with [Section 67-5221\(1\)](#), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections [67-5206](#) and [67-5280\(2\)\(c\)](#), 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 15, 2025.

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:

Provides updates/revisions/clean-ups to the Idaho Rules of Administrative Procedure (IDAPA 62.01.01), to include changes necessitated by passage of [HB9a](#) and [HB36](#).

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: None.

NEGOTIATED RULEMAKING: Pursuant to [Section 67-5220\(1\)](#), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2025 Idaho Administrative Bulletin, [Vol. 25-6, p. 359](#).

INCORPORATION BY REFERENCE: Pursuant to [Section 67-5229\(2\)\(a\)](#), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: None.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Chief Administrative Law Judge Bryan Nickels at 208-605-4300.

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 22, 2025.

DATED this 22nd day of August, 2025.

Bryan Nickels
Chief Administrative Law Judge
Office of Administrative Hearings
350 N. 9th St., Suite 300 (physical and mailing)
Boise, ID 83702
208-605-4300
general@oah.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 62-0101-2501
(Only Those Sections With Amendments Are Shown.)

62.01.01 – IDAHO RULES OF ADMINISTRATIVE PROCEDURE

002. DEFINITIONS (RULE 2).

All terms used in this Chapter shall be interpreted in accordance with the definitions set forth in the Idaho Administrative Procedure Act (“APA”) within Section 67-5201, Idaho Code, and as otherwise defined below: (7-1-24)

01. **Agency.** In addition to the definition in Section 67-5201(24), Idaho Code, reference to the “agency” in these rules includes the agency director, board or commission, agency secretary, ~~hearing~~ presiding officer appointed by the agency, administrative law judge or contract hearing officer assigned by the Office of Administrative Hearings to serve as a presiding officer in a contested case proceeding, or other such ~~presiding hearing~~ officer, as context requires. In turn, reference to the “agency head” means the agency director, board or commission, as context requires, or such other officer designated by the agency head to review recommended or preliminary orders. (7-1-24)()

02. **Interlocutory Order.** Any order issued by a presiding officer or agency head which is neither a preliminary order, a recommended order, nor a final order. (7-1-24)

~~03. **Presiding Officer.** One (1) or more members of the agency board or commission, the agency head, or duly appointed hearing officer(s) who are authorized by statute or rule to preside at a contested case hearing. When more than one (1) officer sits at hearing, they may all jointly be presiding officers or may designate one of them to be the presiding officer.~~ (7-1-24)

043. **Service or Serving.** The agency’s or a party’s delivery or distribution of official documents in a legally sufficient manner in a contested case proceeding to the parties to that proceeding and, if applicable, to any other persons required by statute, rule, order, or notice to receive official documents. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

004. LIBERAL CONSTRUCTION (RULE 4).

The rules in this chapter will be liberally construed to secure the just, speedy, and inexpensive determination of contested cases ~~proceedings~~. Unless required by statute or otherwise permitted by rule, the Idaho Rules of Civil Procedure and the Idaho Rules of Evidence do not apply to contested case proceedings, but may be used to inform decisions by a presiding officer. (7-1-24)()

(BREAK IN CONTINUITY OF SECTIONS)

011. USE OF ARTIFICIAL INTELLIGENCE BY PARTIES (RULE 11).

01. **Definition of Generative Artificial Intelligence.** Generative Artificial Intelligence is a class of computer software and systems, or functionality within systems, that use large language models, algorithms, deep-learning, and machine learning models, and are capable of generating new content, including but not limited to text, images, video, and audio, based on patterns and structures of input data. These also include systems capable of ingesting input and translating that input into another form, such as text-to-code systems. ()

02. Use of Generative Artificial Intelligence. At any time during a contested case proceeding, a presiding officer is permitted to request disclosure statements from any party regarding the party's use of generative artificial intelligence in the preparation of briefing and other written submissions. The decision whether to request such disclosure statements, and for which submissions, is solely within the discretion of the presiding officer. ()

03. Artificial Intelligence-Generated Evidence. Where the output of a process or system would be subject to Rule 485 if testified to by a human witness, the presiding officer must find that the output satisfies the requirements of Rule 485. This rule does not apply to the output of basic scientific instruments or routinely relied upon commercial software. ()

04. Challenges to Artificial Intelligence-Generated Evidence. If a party challenging the authenticity of artificial intelligence-generated evidence demonstrates to the presiding officer that they reasonably could find that the evidence has been fabricated, in whole or in part, by artificial intelligence, the evidence is admissible only if the proponent demonstrates to the presiding officer that it is, more likely than not, authentic. ()

05. Other Uses. The use of any other artificial intelligence by parties in contested case proceedings, including, but not limited to, the use of artificial intelligence avatars in arguments, shall be permitted only upon advance notice to the presiding officer who, in their sole discretion, may limit or refuse such usage. ()

06. Sanctions. Upon motion by a party or a presiding officer's own initiative, a presiding officer may sanction any party misusing artificial intelligence. The degree of sanctions shall be in the presiding officer's sole discretion, but, absent misuse made knowingly or in bad faith, sanctions for misuse of an accidental or inadvertent nature should be limited to ordering the party to correct its submission(s). Where the misuse by a party is more significant or is repeated, a presiding officer may strike and/or exclude the submission(s) containing the misused artificial intelligence. If a presiding officer finds that the misuse was made knowingly or in bad faith, sanctions may include, but are not limited to, exclusion of the party from the remainder of the proceedings and/or entry of default against the party. ()

012. ORDERS GENERATED WITH ARTIFICIAL INTELLIGENCE (RULE 12). Agency orders written in whole or in part by utilizing generative artificial intelligence (as defined in Rule 11) shall contain the following statement in the body of the order: "This Order has been generated with the use of generative artificial intelligence." ()

0143. – 099. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

152. NEUTRALS (RULE 152).

When ADR is used for all or a portion of a contested case, or prior to the initiation of a contested case, an agency may provide a neutral, at the agency's cost, to assist the parties in resolving their disputed issues. The neutral may be any individual agreed upon by the parties, but must be someone with no official, financial, or personal conflict of interest with respect to the issues in controversy, unless such interest is disclosed in writing to all parties and all parties agree that the neutral may serve. If the parties are unable to agree upon, or identify, a neutral to provide ADR services, the agency shall make a request to the Office of Administrative Hearings for the selection and provision of a neutral by the Chief Administrative ~~Hearing Officer~~ Law Judge. (7-1-24)()

(BREAK IN CONTINUITY OF SECTIONS)

206. PERSONS NOT PARTIES – INTERESTED PERSONS (RULE 206).

Unless otherwise provided by statute or rule, persons other than the persons named in Rules 200 through 203 are not parties for the purpose of any statute or rule addressing rights or obligations of parties to a contested case. In proceedings in which persons other than a petitioner, respondent, or intervenor would be expected to have an interest,

persons may request the agency in writing that they be notified when proceedings of that kind are initiated. These persons are called “interested persons.” Interested persons may become intervenors or public witnesses. The agency must serve notice of such proceedings on all interested persons. If not previously identified by the agency, the presiding officer may identify and serve potentially interested persons within their discretion or otherwise direct the agency to identify and serve such persons. (7-1-24)()

(BREAK IN CONTINUITY OF SECTIONS)

250. APPOINTMENT OF HEARING OFFICERS (RULE 250).

A hearing officer is a presiding officer, other than the agency head, in a contested case proceeding. Subject to governing statutes and rules, a hearing officer may be appointed by an agency head. (7-1-24)

01. Office of Administrative Hearings. Where required by statute or rule, or where an agency head otherwise requests a hearing officer as permitted by statute or rule, an agency head will refer a hearing officer appointment to the Office of Administrative Hearings. Upon receipt and acceptance of the referral, the Chief Administrative ~~Hearing Officer~~ Law Judge or their designee shall appoint a hearing officer of their own selection by issuing a Notice of Appointment to all parties to the contested case proceeding. (7-1-24)()

02. Other Hearing Officers. Hearing officers not appointed through the Office of Administrative Hearings may be employees of the agency or independent contractors, and may (but need not) be attorneys. Hearing officers who are not attorneys should ordinarily be persons with technical expertise or experience in issues before the agency. (7-1-24)

251. DISQUALIFICATION (RULE 251).

01. Petitions – Determination. Upon any petition to disqualify a presiding officer, the presiding officer may request additional briefing or argument from any party to the contested case proceeding, or may otherwise immediately rule upon the petition on its face without additional briefing or argument. (7-1-24)

02. Timeline. A petition to disqualify a presiding officer must be filed within fourteen (14) days of the discovery of the grounds for disqualification. ()

023. Voluntary Disqualification. A presiding officer in a contested case may make a voluntary disqualification without stating any reason therefor. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

253. CONSTITUTIONAL CHALLENGES TO STATUTES AND RULES (RULE 253).

A presiding officer in a contested case has no authority to declare a statute or rule unconstitutional. If a court with binding authority in the state of Idaho has declared a statute or rule unconstitutional—or if a federal authority has preempted a statute or rule—and that same statute or rule, or a substantively identical one, is challenged in a proceeding before the presiding officer, then the presiding officer must apply the court’s precedent or the federal preemption and decide the matter accordingly. (7-1-24)()

254. OTHER CHALLENGES TO RULES (RULE 254).

An agency head, acting either as a presiding officer or in issuing a final order, may consider and decide whether a rule of that agency is within the agency’s substantive rulemaking authority or whether the rule has been promulgated according to proper procedure. A presiding officer, other than an agency head, does not have the authority to consider and decide such issues except upon express written grant of authority by the agency head. (7-1-24)()

(BREAK IN CONTINUITY OF SECTIONS)

325. MOTIONS — DEFINED — FORM AND CONTENTS — TIME FOR FILING (RULE 325).

01. Motions Defined. All other requests for the presiding officer to take any other action in a contested case are called “motions.” (7-1-24)

02. Form and Contents. Motions should: (7-1-24)

a. Be in writing, and comply with the same form requirements as pleadings; (7-1-24)

b. Not exceed twenty-five (25) pages for dispositive motions, or ten (10) pages for any other motion, except as authorized by the presiding officer; (7-1-24)

c. Fully state the facts upon which they are based; (7-1-24)

d. Refer to the particular provision of statute, rule, order, notice, or other controlling law upon which they are based; ~~and~~ (7-1-24)()

e. Include any affidavits, declarations, exhibits, and attachments intended to support the motion, which do not count towards any page limitation, except as otherwise directed by the presiding officer; and (7-1-24)

f. State the relief sought. (7-1-24)

03. Oral Argument. If the moving party desires oral argument on the motion, it must state so in the motion, including whether it is requested to be in-person or by remote means. All motions seeking dispositive relief shall be set for oral argument; all other motions may be decided on briefing without ~~further~~ oral argument, in the presiding officer’s discretion. (7-1-24)()

04. Time for Filing. Except as otherwise directed by statute, rule, or order of the presiding officer, motions may be filed at any time during a contested case proceeding. (7-1-24)

05. Oppositions to Motions. An opposition to a motion may be filed by any party in the proceedings using the same form and content requirements as the motion being opposed. Unless otherwise directed by the presiding officer, any opposition to a motion must be filed within fourteen (14) days after service of the motion. Reply briefs and further briefing on the motion shall be permitted only upon request of the presiding officer. (7-1-24)

06. Determination of Motions. (7-1-24)

a. Dispositive Motions. Any ruling on a dispositive motion shall be in writing. The presiding officer may suspend all deadlines, including the evidentiary hearing date, during the consideration of a dispositive motion. (7-1-24)

b. Other Motions. Except as otherwise directed by statute, rule, or these rules, a ruling on any other motion may be presented orally by the presiding officer. The presiding officer may direct any party to submit a proposed order regarding an oral ruling. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

327. STAY OF AGENCY ACTION (RULE 327).

Where not otherwise prohibited by law, a presiding officer may stay an agency order upon motion by any party or by the presiding officer’s own motion, pending resolution of the contested case. Upon completion of the contested case, if the agency action is affirmed, in whole or in part, the presiding officer shall lift the stay of the agency action.

()

328. MOTIONS TO SEAL (RULE 328).

01. Issuance of Order to Seal. Upon motion and a showing that evidence in a contested case is confidential, non-public, or otherwise legally protectable, a presiding officer may order that evidence, and any portion of the proceeding addressing that evidence, sealed. Any such records placed under seal are protected from disclosure outside of the contested case proceeding. ()

02. Duration of Order. Upon issuance of an order sealing any documents or exhibits, those records will remain under seal throughout the proceeding and shall be returned to the submitting party at the conclusion of its proceeding, after the time for filing a petition for judicial review has expired. The opposing party shall be entitled to promptly review those documents in preparing for the hearing, and may rely on those documents during the hearing as necessary to ensure a fair hearing process, but shall not maintain its own copy of the sealed document after conclusion of the hearing nor reveal, discuss, or disclose the contents of those sealed documents to any other person outside of the proceeding. ()

03. Unsealing by Agency Head. In reviewing a preliminary order or a recommended order, an agency head may unseal any records sealed by a presiding officer, either upon motion by a party or upon the agency head's own motion. ()

04. Provision of Sealed Records Upon Judicial Review. In the event of judicial review, any sealed records within the agency record will be provided to the relevant judicial body by the agency in conjunction with its transmittal of the agency record as required by Section 67-5275, Idaho Code. Whether a record sealed by a presiding officer in a contested case proceeding remains sealed during a judicial review is a determination for the reviewing court. ()

3279. – 349. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

425. DEFAULT (RULE 425).

A presiding officer may enter a notice of a proposed default order against any party pursuant to the provisions of Section 67-5242A, Idaho Code. A party who has indicated that its case presentation will be limited to a written submission will not be defaulted, and the presiding officer may complete the adjudication without that party's further participation. (7-1-24)()

01. Procedure if No Petition to Vacate is Filed. If no timely petition to vacate is filed by the party subject to a proposed default order, the presiding officer should issue ~~or vacate~~ the default no later than three (3) days after the expiration of the time within which the party could have filed the petition, or otherwise as promptly as possible, except where a shorter period is directed by law. (7-1-24)()

02. Procedure Upon Filing of a Petition to Vacate. Upon the timely filing of a petition to vacate by a party subject to a proposed default order, the presiding officer may request additional briefing from the parties, and may also set a conference for argument regarding the proposed default order. Whether additional briefing and/or argument is accepted, the presiding officer should issue or vacate the default no later than fourteen (14) days after the petition to vacate is filed, except where a shorter period is directed by law. (7-1-24)

03. Procedure After Default. Upon the issuance of a default order, the presiding officer ~~shall~~ may set a conference with the non-defaulting party to determine which remaining proceedings, if any, are still needed to complete the adjudication. Such conference should be held as soon as practicable after the issuance of the default order. (7-1-24)()

04. Notices to Defaulting Party. While the defaulting party shall not participate in any remaining proceedings, the presiding officer shall direct that all subsequent filings, including all orders issued in the contested case proceeding, continue to be served on the defaulting party by the most appropriate means, as determined by the presiding officer. (7-1-24)

426. CONTINUANCE IN LIEU OF DEFAULT (RULE 426).

A presiding officer may, in the interest of due process and on their own motion, decline to issue a notice of a proposed default order, and instead make a reasonable continuance of the proceedings. If the same party subsequently fails to attend ~~any stage of the continued proceedings~~ the continued prehearing conference or hearing, a notice of a proposed default order must be issued. (7-1-24)()

427. APPEARANCE AT HEARING (RULE 427).

A party will be deemed to have appeared if present at the time and place of the properly noticed hearing within fifteen (15) minutes of the scheduled hearing time. ()

428. INACTIVE CASES (RULE 428).

Absent a showing of good cause, and at the sole discretion of the presiding officer, a case in which no action has been taken for a period of six (6) months will be dismissed. The parties shall receive fourteen (14) days' notice prior to any dismissal. ()

~~427~~⁹. – 449. (RESERVED)

Rules 450 through 474 – Discovery

450. KINDS AND SCOPE OF DISCOVERY LISTED (RULE 450).

01. Discovery, Generally. Parties are encouraged to informally exchange information and documentation which will aid in the just, speedy, and inexpensive disposition of the proceeding. Except where prohibited by statute or rule, discovery may be conducted as agreed between the parties and approved by the presiding officer, or where ordered by the presiding officer on their own initiative. The presiding officer may, in their discretion, limit any discovery on the grounds that it: (7-1-24)()

- a. Does not appear relevant; (7-1-24)
- b. Appears unduly repetitious; (7-1-24)
- c. Violates any constitutional, statutory, or regulatory provisions; (7-1-24)
- d. Violates any privilege provided by statute or recognized by the courts of Idaho; (7-1-24)
- e. Appears to be made in bad faith; (7-1-24)
- f. Is not proportional to the needs of the proceeding; and/or (7-1-24)
- g. Otherwise exceeds the permitted scope of discovery as defined in these rules. (7-1-24)

02. Kinds and Scope - Rules of Civil Procedure. Unless otherwise provided by statute, rule, order, or notice, when discovery is authorized before the agency, the kinds and scope of discovery is governed by the Idaho Rules of Civil Procedure, subject to any limitations established by the presiding officer. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

453. SUBPOENAS (RULE 453).

Pursuant to Section 67-5251A, Idaho Code, or as authorized by other statute or rule, ~~P~~^The presiding officer may issue subpoenas, ~~as authorized by statute or rule,~~ upon a party's motion or upon the presiding officer's own initiative. A subpoena may command the ~~person~~ witness to whom it is directed to appear to give testimony at an evidentiary hearing, any other hearing, or a deposition at a specified time and place. A subpoena that commands a person to produce or to permit inspection and copying of documents, electronically stored information or tangible things, or to permit inspection of premises, may be joined with a command to appear as a witness at an evidentiary hearing, any other hearing, or a deposition, or may be issued separately. Any party, or person upon whom the subpoena has been

served, may move the presiding officer to quash a subpoena prior to the deadline for compliance with the subpoena. (7-1-24)()

454. FILING AND SERVICE OF DISCOVERY-RELATED DOCUMENTS (RULE 454).

Notices of deposition, ~~cover letters stating that~~ production requests, written interrogatories, ~~or~~ and requests for admission ~~have been served, cover letters stating answers to production requests, written interrogatories, or requests for admission have been served or are available for inspection, and objections to discovery, and any responses or objections thereto,~~ must be ~~filed and~~ served in the same fashion as other pleadings and motions on all parties in the proceeding. Filing of any such documents shall only be upon order of the presiding officer. (7-1-24)()

(BREAK IN CONTINUITY OF SECTIONS)

456. SANCTIONS FOR FAILURE TO OBEY ORDER COMPELLING DISCOVERY (RULE 456).

The presiding officer may impose all sanctions recognized by statute or rule, including the rules of civil procedure, for failure to comply with an order compelling discovery ~~or a duly issued subpoena.~~ (7-1-24)()

(BREAK IN CONTINUITY OF SECTIONS)

487. ADVERSE INFERENCE (RULE 487).

The presiding officer, in their sole discretion, may draw an adverse inference when a party fails to produce requested evidence, including testimony, which is or was reasonably in the party's control, provided that the party is provided advance notice and an opportunity to respond. ()

~~487~~8. – 499. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

515. VIEW OF PREMISES, PROPERTY, OR THINGS (RULE 515).

01. Order for View. A presiding officer may order that the presiding officer view any property, place, item, or circumstance relevant to the action. Such a view may be conducted at any time in a contested case, and must be conducted personally by the presiding officer after notice to all parties. All parties have the right to be present at any view by the presiding officer. ()

02. Admitting of View Evidence. Photographs or recordings of the view may be admitted as evidence upon motion by any party or by the presiding officer's own motion. ()

~~515~~6. – 599. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

601. RECORDING OR REPORTING OF HEARINGS (RULE 601).

01. In-Person, Remote Video and Telephonic Hearings. All ~~in-person and telephonic~~ hearings shall be recorded at the agency's expense, either by audiotape, digital audio, and/or court reporter, as selected by the presiding officer. Any party requesting a video recording of an in-person ~~or telephonic~~ hearing may do so at their own expense, subject to the presiding officer's determination that the recording does not cause distraction or disruption, which determination may be made at any time before or during the hearing. (7-1-24)()

~~02. Remote Video Hearings. All remote video hearings shall be recorded at the agency's expense, by digital audio, digital video, and/or court reporter, as selected by the presiding officer. (7-1-24)~~

032. Transcripts. Any party may request an official transcript of any recording of any hearing at their own expense. However, if a party uses an official transcript for any purpose in the contested case proceeding, the full official transcript must be provided to all parties and the presiding officer. If a party is required to provide a copy of an official transcript to all parties and the presiding officer, the presiding officer may, in their discretion, direct all other parties to contribute to the expense of the official transcript. (7-1-24)

043. Presiding Officers. In preparing any order, a presiding officer may rely upon any unofficial transcript of a hearing, including, but not limited to, any transcript automatically generated by computer software. If the presiding officer determines that an unofficial transcript of a hearing is incomplete or insufficient, or otherwise determines that an official transcript is required for any other reason, the presiding officer may direct the creation of an official transcript at the agency's expense. If the agency is not a party to the proceeding, the presiding officer may direct the creation of an official transcript at the parties' shared expense. (7-1-24)

602. – 624. (RESERVED)

Rules 625 through 649 – Orders

625. RECOMMENDED ORDERS (RULE 625).

01. Definition. Recommended orders are orders issued by a person other than the agency head that will become a final order of the agency only after review of the agency head (or the agency head's designee) pursuant to Section 67-5244, Idaho Code. (7-1-24)

02. Content. Except where otherwise provided by statute or rule, every recommended order must contain the following paragraphs or substantially similar paragraphs: (7-1-24)

a. This is a recommended order ~~of~~ by the presiding officer. It will not become final without action of the agency head. If you disagree with this recommended order, you may file a "motion for reconsideration" with the presiding officer, ~~or you may file "exceptions" with the agency head. You are allowed to file both.~~ (7-1-24)()

b. If you would like to file a motion for reconsideration of this recommended order with the presiding officer, you must do so within fourteen (14) days of the service date of this order. After the presiding officer receives your motion for reconsideration, they have twenty-one (21) days to rule upon it. If they do not issue a ruling within twenty-one (21) days, your motion will be considered denied. (7-1-24)

c. If another party has filed a motion for reconsideration of this recommended order, you must file any opposition brief within fourteen (14) days from the service date of the motion for reconsideration. No further briefing by any party will be permitted unless the presiding officer, in their discretion, requests it. (7-1-24)

~~**d.** You may also file any exceptions you may have to this recommended order, with a supporting brief, directly with the agency head within fourteen (14) days of the service date of this order, unless the agency head sets a different deadline. (7-1-24)~~

~~**e.** If another party has filed exceptions to this recommended order with the agency head, you must file any opposition brief within fourteen (14) days from the service date of the exceptions. No further briefing by any party will be permitted unless the agency head, in their discretion, requests it. (7-1-24)~~

~~**f.d.** If you would like to request oral argument regarding any motion for reconsideration ~~or exceptions~~, you must state so in your filings. The decision whether to have oral argument is ~~a decision for~~ at the sole discretion of the presiding officer ~~or the agency head to make~~, and they may decide to not have oral argument, even if you or any other party has requested it. (7-1-24)()~~

e. Within fourteen (14) days after (a) the service date of this recommended order, (b) the service date of the presiding officer's denial of a motion for reconsideration, or (c) the failure within twenty-one (21) days of the

~~presiding officer to grant or deny a motion for reconsideration, any party may request review of this recommended order by the agency head or their designee. If no review is timely requested by any party, the agency head or their designee shall thereafter have fifty-six (56) days from the last date a party could have requested review to issue a final order.~~ ()

~~f. If review is requested, written briefs in support of a requested review shall be filed with the agency head or their designee at the same time review is requested. Opposing parties shall thereafter have twenty-one (21) days to submit a response brief. The agency head or their designee may schedule oral argument in the matter before issuing a final order. The agency head or their designee will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown. The agency head or their designee may also remand the matter for further evidentiary hearings, or conduct their own additional hearings, if further factual development of the record is necessary before issuing a final order.~~ ()

03. Content if Reconsideration is Not Permitted or Feasible. Where statute or rule does not permit a motion for reconsideration, or otherwise renders a motion for reconsideration not feasible (e.g., insufficient time), the recommended order must contain the following ~~paragraphs~~ language or substantially similar ~~paragraphs~~ language: (7-1-24)()

~~a. This is a recommended order of by the presiding officer. It will not become final without action of the agency head. If you disagree with this recommended order, you may file "exceptions" with the agency head. Motions for reconsideration filed with the presiding officer will not be considered.~~ (7-1-24)()

~~b. You may file any exceptions you may have to this recommended order, with a supporting brief, directly with the agency head within [number of days for which the governing statute or rule would sufficiently allow for submission of exceptions and consideration thereof in advance of a final order, as determined by the presiding officer] days from the service date of this recommended order, unless the agency head sets a different deadline.~~ (7-1-24)

~~c. If another party has filed exceptions to this recommended order with the agency head, you must file any opposition brief within [number of days for which the governing statute or rule would sufficiently allow for submission of responses to exceptions and consideration thereof in advance of a final order, as determined by the presiding officer] days from the service date of the motion for reconsideration. No further briefing by any party will be permitted unless the agency head, in their discretion, requests it.~~ (7-1-24)

~~d. Oral arguments will not be allowed unless requested by the agency head.~~ (7-1-24)

04. Service of Recommended Orders. All recommended orders must be served on all parties contemporaneously with the issuance of the recommended order. (7-1-24)

626. PRELIMINARY ORDERS (RULE 626).

01. Definition. Preliminary orders are orders issued by a person other than the agency head that will become a final order of the agency unless reviewed by the agency head or the agency head's designee pursuant to Section 67-5245, Idaho Code. (7-1-24)

02. Content. Except as otherwise provided by statute or rule, every preliminary order must contain the following paragraphs or substantially similar paragraphs: (7-1-24)

~~a. This is a preliminary order of by the presiding officer. It can and will become final without further action of the agency, and without any further notice to you, unless any party requests that either the presiding officer or the agency head review it. If no such request is made within fourteen (14) days of the service of this preliminary order, the order will become final, and you will then have twenty-eight (28) days to file a petition for judicial review with a district court, pursuant to Idaho Code Sections 67-5270 through 67-5279.~~ (7-1-24)()

~~b. If you disagree with this preliminary order, you may file a "motion for reconsideration" with the presiding officer, or you may file "exceptions" and/or a "petition for review" with the agency head. You are allowed to file all both of these.~~ (7-1-24)()

c. If you would like to file a motion for reconsideration of this preliminary order with the presiding officer, you must do so within fourteen (14) days of the service date of this order. After the presiding officer receives your motion for reconsideration, they have twenty-one (21) days to rule upon it. If they do not issue a ruling within twenty-one (21) days, your motion will be considered denied. (7-1-24)

d. If another party has filed a motion for reconsideration of this preliminary order, you must file any opposition brief within fourteen (14) days from the service date of the motion for reconsideration. No further briefing by any party will be permitted unless the presiding officer, in their discretion, requests it. (7-1-24)

~~e. You may also file any exceptions you may have to this preliminary order, with a supporting brief, directly with the agency head within fourteen (14) days of the service date of this order, unless the agency head sets a different deadline. (7-1-24)~~

~~f. If another party has filed exceptions to this preliminary order with the agency head, you must file any opposition brief within fourteen (14) days from the service date of the exceptions. No further briefing by any party will be permitted unless the agency head, in their discretion, requests it. (7-1-24)~~

~~g.~~ You may also file a petition for review regarding this preliminary order, with a supporting brief which sets forth the basis for review, directly with the agency head within fourteen (14) days of the service date of this order, unless the agency head sets a different deadline. The agency head may also notify the parties within fourteen (14) days of the service date of this order, that they, by their own choice, are reviewing this preliminary order, which notice will identify the issues the agency head will review. If a motion for reconsideration has been filed with the presiding officer, your petition for review, or the agency head's notice, does not have to be filed until fourteen (14) days after the motion for reconsideration process with the presiding officer is complete. (7-1-24)

~~h.~~ If another party has filed a petition for review of this preliminary order with the agency head, you must file any opposition brief within fourteen (14) days from the service date of the petition for review. No further briefing by any party will be permitted unless the agency head, in their discretion, requests it. (7-1-24)

~~i.~~ If you would like to request oral argument regarding any motion for reconsideration, ~~exceptions,~~ or petition for review, you must state so in your filings. The decision whether to have oral argument is a decision for the presiding officer or the agency head to make, and they may decide to not have oral argument, even if you or any other party has requested it. (7-1-24)()

~~j.~~ If an agency head reviews a preliminary order, they have the option of either issuing a final order, remanding the matter back to the presiding officer, or holding additional hearings. You will be notified of the agency head's choice if the preliminary order is reviewed. If a petition to review the preliminary order is granted, the agency head (or designee) shall allow all parties an opportunity to file briefs on the issues, and may schedule oral argument in the matter before issuing a final order. The agency head (or designee) will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties or for good cause shown. (7-1-24)()

03. Service of Preliminary Orders. All preliminary orders must be served on all parties contemporaneously with the issuance of the preliminary order. (7-1-24)

627. FINAL ORDERS (RULE 627).

01. Definition. Final orders are preliminary orders that have become final under Rule 626 and Section 67-5245, Idaho Code, or orders issued by the agency head, either as the presiding officer or in regards to a recommended order, pursuant to Section 67-5246, Idaho Code, or as otherwise provided by law. ~~Emergency orders issued under Section 67-5247, Idaho Code, shall be designated as final orders if the agency will not issue further orders or conduct further proceedings in the matter.~~ (7-1-24)()

02. Content. Except as otherwise provided by statute or rule, every final order issued by the agency head must contain the following paragraphs or substantially similar paragraphs: (7-1-24)

- a. This is a final order of the agency. (7-1-24)
- b. If you disagree with this final order, you will then have twenty-eight (28) days to file a petition for judicial review with a district court, pursuant to Sections 67-5270 through 67-5279, Idaho Code. (7-1-24)
- c. Prior to requesting judicial review of this final order, you may also file a “motion for reconsideration” with the agency head. If you do wish to file a motion for reconsideration, you must do so within fourteen (14) days of the service date of this order. After the agency head receives your motion for reconsideration, they have twenty-one (21) days to rule upon it. If they do not issue a ruling within twenty-one (21) days, your motion will be considered denied. (7-1-24)
- d. If another party has filed a motion for reconsideration of this final order, you must file any opposition brief within fourteen (14) days from the service date of the motion for reconsideration. No further briefing by any party, and no oral argument, will be permitted unless the agency head, in their discretion, requests it. (7-1-24)
- e. Once an agency head has ruled upon a motion for reconsideration, or if twenty-one (21) days have passed since the motion for reconsideration was filed without a ruling by the agency head, you will have twenty-eight (28) days to file a petition for judicial review with a district court, pursuant to Sections 67-5270 through 67-5279, Idaho Code. (7-1-24)
- 03. Service of Final Orders.** (7-1-24)
- a. Parties. Final orders must be served on all parties contemporaneously with the issuance of the final order. (7-1-24)
- b. Presiding officers. Final orders must be served on the presiding officer contemporaneously with the issuance of the final order. (7-1-24)
- c. Non-Parties. Where not otherwise directed by statute or order, final orders should, upon request, be made available for public inspection within a reasonable time after the issuance of the final order. The conspicuous posting of the final order on an agency website, by clearly identifying the action and providing an accessible electronic copy of the final order, shall be deemed to satisfy this requirement. (7-1-24)

(BREAK IN CONTINUITY OF SECTIONS)

633. VOIDING OF ORDERS (RULE 633).

- 01. Notice.** Any notice to the Chief Administrative ~~Hearing Officer~~ Law Judge pursuant to Section 67-5283(2)(b), Idaho Code, regarding the alleged failure of an independent contract hearing officer to comply with the requirements of Section 67-5283(2)(a), must be submitted in writing to, and received by, the Chief Administrative ~~Hearing Officer~~ Law Judge within thirty (30) days of the issuance of the independent contract hearing officer’s order, and should state whether the order involves a financial transaction and whether the noticing party requests a stay of the independent contract hearing officer’s order. (7-1-24)()
- 02. Stay.** If the Chief Administrative ~~Hearing Officer~~ Law Judge determines that the independent contract hearing officer’s order involves, or may involve, a financial transaction, the Chief Administrative ~~Officer~~ Law Judge may promptly issue a stay of the independent contract hearing officer’s order for the duration of the investigation, which shall be served on all parties to the contested case. (7-1-24)()
- 03. Investigation.** (7-1-24)
- a. An investigation into an independent contract hearing officer’s alleged failure to comply with the requirements of Section 67-5283(2)(a), Idaho Code, may be conducted by either the Chief Administrative ~~Hearing Officer~~ Law Judge or any person contracted by them to conduct such investigation or a portion thereof. (7-1-24)()

b. The independent contract hearing officer being investigated shall promptly comply with all information and documentation requests made by the Chief Administrative ~~Hearing Officer~~ Law Judge or their designee related to the alleged failure to comply. (7-1-24)()

04. Determination. Within fourteen (14) days of the notice regarding an alleged failure of an independent contract hearing officer to comply with the requirements of Section 67-5283(2)(a), Idaho Code, the Chief Administrative ~~Hearing Officer~~ Law Judge shall issue a determination in writing of their findings and conclusions, which shall be served on all parties to the contested case. Upon issuance of a determination, any stay will automatically dissolve. (7-1-24)()

05. Voiding of Order. If the Chief Administrative ~~Hearing Officer~~ Law Judge's written determination finds a failure to comply has occurred, or where an independent contract hearing officer fails to cooperate in an investigation as to whether they failed to comply, the Chief Administrative ~~Hearing Officer~~ Law Judge shall declare the independent contract hearing officer's order void and of no effect. The Chief Administrative ~~Hearing Officer~~ Law Judge's investigation, determination, and voiding of an order pursuant to Section 67-5283(2)(b), Idaho Code, does not constitute a contested case proceeding under the APA, and is not an appealable agency order. (7-1-24)()

06. Reassignment. If the Chief Administrative ~~Hearing Officer~~ Law Judge's written determination finds a failure to comply has occurred, the Chief Administrative ~~Hearing Officer~~ Law Judge shall promptly reassign the contested case to another administrative law judge or independent contract hearing officer for completion of the contested case. (7-1-24)()

(BREAK IN CONTINUITY OF SECTIONS)

751. HEARING ON EMERGENCY ORDER (RULE 751).

01. Time for Hearing. The hearing upon an emergency order shall be held no later than twenty-eight (28) days after the issuance of the emergency order, except as otherwise provided by statute, rule, or order. (7-1-24)

02. Appointment of Presiding Officer. No later than three (3) days after the issuance of the emergency order, the agency shall assign the matter to the Office of Administrative Hearings, or, where otherwise authorized by statute or rule, appoint a presiding officer. (7-1-24)

03. Notice of Proposed Hearing. As quickly as feasible, the presiding officer shall issue a notice of proposed hearing date. (7-1-24)

a. Service. The notice of hearing shall be served upon all persons required to comply with the order by both certified mail, return receipt requested, and additionally by e-mail or personal service, where feasible. The agency may be served by e-mail or regular mail. (7-1-24)

b. Content. Except as otherwise provided by statute or rule, the notice of proposed hearing date must contain the following paragraphs or substantially similar paragraphs: (7-1-24)

i. You have a right to have an evidentiary hearing before the agency as quickly as feasible if you wish to contest the Emergency Order dated [insert date of order]. Any hearing will be conducted as a contested case hearing pursuant to Chapter 52, Title 67 of the Idaho Code. (7-1-24)

ii. ~~Pursuant to Section 67-5252, Idaho Code, t~~The presiding officer shall, at the time of hearing: (7-1-24)()

(1) Regulate the course of the proceedings to assure that there is a full disclosure of all relevant facts and issues, including such cross-examination as may be necessary, and (7-1-24)

(2) Shall afford all parties the opportunity to respond and present evidence and argument on all issues

involved, except as restricted by a limited grant of intervention or a prehearing order. (7-1-24)

iii. The hearing date identified in this notice is a proposed hearing date. If you would like to request a different date, you may contact the presiding officer identified in this notice within seven (7) days of receiving this notice. You may contact the presiding officer to make your request by phone, e-mail, or by formal filing with the presiding officer. If you do not timely request a different date, the hearing will be held on the date proposed in this notice. (7-1-24)

04. Request for Alternative Hearing Date. Within seven (7) days of receipt of the notice of proposed hearing, any party can request an alternative hearing date, for a date sooner or later than proposed. Such request may be made to the presiding officer informally, via e-mail or telephone. The presiding officer shall hold a conference as soon as practicable with all parties to select a new date. (7-1-24)

05. Regular Proceedings Permitted. Although the hearing upon an emergency order shall be treated as an appeal of an agency order, any party participating therein shall be entitled to any discovery, presentation of evidence, or other contested case activities as would have been afforded as if the emergency order had not been issued. (7-1-24)

06. Stay. Motions requesting stay of the emergency order are permitted; however, no stay may be granted by the presiding officer except upon stipulation by the agency to the stay and any terms governing the stay. (7-1-24)

752. – 799. (RESERVED)

SUBCHAPTER I – AGENCY-SPECIFIC RULES (RULES 800-899)
Rules 800 Through 809 Agency-Specific Contested Case Rules

800. OTHER AGENCY-SPECIFIC CONTESTED CASE RULES (RULE 800).

01. Mandatory Application. Some agencies have promulgated their own contested case rules to comply with applicable federal law or specific requirements of Idaho law applicable to the agency or programs it administers. The presiding officer shall adopt and apply any such agency-specific rules, including temporary rules. Agency-specific rules which were promulgated as alternative procedures to the prior Idaho Rules of Administrative Procedure of the Attorney General shall continue to be adopted and applied, except as may conflict with any of these Idaho Rules of Administrative Procedure. Previously-promulgated alternative procedures which conflict with these Idaho Rules of Administrative Procedure, but which are otherwise mandated by federal or state statute, rule, regulation, or binding state or federal judicial decisional authority, shall be adopted and applied notwithstanding these Idaho Rules of Administrative Procedure. (7-1-24)

02. Optional Application. Agency-specific contested case procedures may also be reflected in agency policies, procedures, or other non-rule guidance. Upon ~~request of the agency no later than the initial scheduling conference;~~ motion of a party or upon their own motion, the presiding officer may adopt and apply such agency-specific policies, procedures, or other non-rule guidance, provided that such policies, procedures, or other non-rule guidance are publicly-available pursuant to Section 67-5250, Idaho Code; however, any such policies, procedures, or non-rule guidance which are required to comply with applicable federal law shall be adopted and applied. (7-1-24)()

Sections Affected Index

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.01.08 – Rules Governing Grizzly Bear and Wolf Depredation

Docket No. 02-0108-2501 (New Chapter)

000. Legal Authority	15
001. Scope	15
002. – 009. (Reserved)	15
010. Definitions	15
011. – 100. (Reserved)	16
101. Compensation Matrix for Depredated Livestock	16
102. – 109. (Reserved)	17
110. Physical Field Examinations	17
111. -- 149. (Reserved)	17
150. Conflict Prevention Program	17
151. – 999. (Reserved)	17

02.02.05 – Rules Governing Stone Fruit Grades

Docket No. 02-0205-2501 (ZBR Chapter Rewrite)

000. Legal Authority	19
001. Title And Scope	19
002. – 119003. (Reserved)	19
004. Incorporation By Reference	19
005. – 009. (Reserved)	19
010. Definitions	19
120. Idaho Hail Grade, Prunes Or Plums	20
121. -- 129. (Reserved)	20
130. Processing Grade, Prunes Or Plums	20
131. -- 139. (Reserved)	20
140. Italian Prunes	20
141. -- 209. (Reserved)	20
210. Definitions	20
2110. – 219. (Reserved)	21
220. Idaho No. 1 Grade	21
221. -- 229. (Reserved)	22
230. Application Of Tolerances	22
231. -- 239. (Reserved)	22
240. Scorable Defects	22
241. -- 249. (Reserved)	23
250. Permanent Defects	23
251. -- 259. (Reserved)	23
260. Condition Defects	23
261. -- 31920. (Reserved)	23
320. Definitions	23
321. Grades	23
322. -- 329. (Reserved)	23
330. Tolerances	23
331. – 339. (Reserved)	24
340. Marking Requirements	24
341. – 349. (Reserved)	24
350. Scorable Defects	24
351. – 999. (Reserved)	25

*02.02.07 – Rules Governing Bulk Permits and Retail Sale of Potatoes***Docket No. 02-0207-2501 (ZBR Chapter Rewrite)**

000. Legal Authority	27
001. Title And Scope	27
002. -- 003. (Reserved)	27
004. Incorporation By Reference.	27
005. -- 119. (Reserved)	27
120. Marketing Order.	27
121. Request For Permit Application.	27
1202. Permit Fees.	27
121. Application Form.	28
122. Marketing Order.	28
123. Request For Permit.	28
1243. -- 219. (Reserved)	28
220. Inspections, Restrictions, And Identification Required.	28
221. Lots Tagged Not For Sale -- Removal Thereof.	28
222. Compliance Or Non-Compliance Certificate.	28
223. Second Notice Action -- Non-Compliance.	28
224. Bulk Lots Labeled Not For Sale -- Removal Thereof.	28
225. Responsibility Of Permanent And Condition Defects.	29
226. Restricting Standards To Tablestock Grades.	29
227. -- 999. (Reserved)	29

*02.02.14 – Rules for Weights and Measures***Docket No. 02-0214-2501 (ZBR Chapter Rewrite)**

000. Legal Authority	31
001. Title And Scope	31
002. -- 003. (Reserved)	31
004. Incorporation By Reference.	31
005. Diesel, Biodiesel, And Gasoline Standards.	32
006. -- 00911. (Reserved)	32
010. Definitions.	32
011. Abbreviations.	34
012. License Required For Commercially-Used Weighing Or Measuring Instrument Or Device.	34
013. License Application.	34
014. Annual License Period.	34
015. License Renewals.	35
016. Maximum And Minimum License Fee Schedule For Commercially-Used Weighing And Measuring Instruments And Devices.	35
017. Voluntary Inspection Of Weighing And Measuring Instruments And Devices, Fees.	35
018. License Displayed.	35
019. -- 099. (Reserved)	35
100. Charges For Special Request Testing Or Examination.	36
101. -- 149. (Reserved)	36
150. Packaging And Labeling Rules.	36
151. -- 169. (Reserved)	36
170. Identity.	36
171. Declaration Of Quantity -- Consumer Packages.	37
172. Prescribed Units.	39
173. Polyethylene Sheeting.	40
174. Supplementary Declarations.	41
175. -- 179. (Reserved)	41
180. Declaration Of Quantity -- Non-consumer Packages.	41

181. -- 199. (Reserved).....	42
200. Prominence And Placement -- Consumer Packages.....	42
201. -- 209. (Reserved).....	44
210. Prominence And Placement -- Non-consumer Packages General.	44
211. -- 219. (Reserved).....	44
220. Requirements -- Specific Consumer Commodities, Packages, Containers.	44
221. -- 229. (Reserved).....	44
230. Measurement Of Container-Type Commodities, How Expressed.....	44
231. -- 239. (Reserved).....	45
240. Textile Products, Threads, And Yarns.	45
241. -- 249. (Reserved).....	47
250. Exemptions.	47
251. -- 259. (Reserved).....	50
260. Variations To Be Allowed.	50
261. -- 269. (Reserved).....	51
270. Misleading Packages.	51
271. Advertising Packages For Sale.	51
272. -- 299. (Reserved).....	51
300. Petroleum Products.....	51
301. -- 349. (Reserved).....	52
350. Sale And Labeling Of Gasoline Which Contains Oxygenates.....	52
351. Biodiesel.....	53
352. -- 399. (Reserved).....	53
400. Unattended Vending Machines.	53
401. -- 449. (Reserved).....	54
450. Registration Of Servicemen And Service Agencies For Commercial Weighing And Measuring Devices.	54
451. -- 499. (Reserved).....	55
500. Bread.....	55
501. -- 599. (Reserved).....	55
600. Single Draft Vehicle Weighing.....	55
601. -- 649. (Reserved).....	55
650. Rule For National Type Evaluation.	55
651101. -- 999. (Reserved).....	55
02.03.03 – Rules Governing Pesticide and Chemigation Use and Application	
Docket No. 02-0303-2501	
010. Definitions.	57
011. -- 099. (Reserved).....	58
100. Professional Applicator Licensing.	58
150. Private Applicator Licensing.	64
151. Chemigator Licensing.	67
152. -- 199. (Reserved).....	67
200. Pesticide Dealer Licensing.....	67
280. Fees.	68
400. Pesticide Restrictions.....	68
401. Unmanned Aircraft Systems.	72
4012. -- 449. (Reserved).....	72
600. General Chemigation Requirements.....	72
02.04.20 – Rules Governing Brucellosis	
Docket No. 02-0420-2501 (ZBR Chapter Rewrite)	
000. Legal Authority.	74
001. Title And Scope.....	74

002. -- 003. (Reserved)	74
004. Incorporation By Reference	74
005. -- 009. (Reserved)	74
010. Definitions	74
011. Abbreviations	77
0121. -- 019. (Reserved)	77
020. Applicability	77
021. Supervision	77
022. Inspections	77
023. Laboratories	77
024. Reporting	78
025. Quarantines	78
026. Cleaning And Disinfecting	78
025. -- 026. (Reserved)	79
027. Wild Bison And Wild Elk	79
028. Brucellosis Testing	79
029. Brucellosis Emergency(Reserved)	80
030. Brucellosis Indemnity	80
031. Brucellosis Indemnity: Claims Not Allowed	81
032. -- 099. (Reserved)	81
100. Official Vaccination Required For Cattle And Domestic Bison	81
101. Official Vaccination	81
102. Sale Of Female Cattle Or Domestic Bison That Are Not Officially Vaccinated(Reserved)	82
103. Official Identification Of Cattle And Domestic Bison	82
104. Re-Identification Of Official Vaccinates	83
105. Livestock Market Release	83
1065. -- 119. (Reserved)	83
120. Brucellosis Eradication Areas	83
121. Test Eligible Cattle And Domestic Bison In An Eradication Area	84
122. Movement Into Or Out Of Eradication Areas	84
123. Designated Surveillance Area (DSA)	84
124. -- 129. (Reserved)	85
130. Movement Of Infected And Exposed Cattle Or Domestic Bison	85
131. -- 199. (Reserved)	85
200. Idaho Approved Feedlot	85
201. Application For Designation As An Idaho Approved Feedlot	86
202. Administrator Approval	86
203. Approved Feedlot Number	86
201. -- 203. (Reserved)	86
204. Expiration Of Approved Status	86
205. -- 249. (Reserved)	86
250. Content Of Records For Approved Feedlots	86
251. Records Retention	86
252. Entry Requirements	87
253. Removal Requirements	87
254. Testing(Reserved)	88
255. Inspection	88
256. Revocation Of Approved Feedlot Status	88
257. -- 299. (Reserved)	88
300. Official Identification Of Domestic Cervidae	88
301. -- 319. (Reserved)	89
320. Testing Requirements	89

321. Domestic Cervidae Brucellosis Eradication Area	89
322. Testing And Movement	89
323. -- 399. (Reserved)	89
400. Official Identification Of Swine.	89
401. -- 419. (Reserved)	89
420. Testing Requirements.	89
421. Swine Brucellosis Eradication Area.	90
422. Testing And Movement	90
423. -- 999. (Reserved)	90
02.04.24 – Rules Governing Tuberculosis	
Docket No. 02-0424-2501 (ZBR Chapter Rewrite)	
000. Legal Authority.	92
001. Title And Scope.	92
002. -- 003. (Reserved)	92
004. Incorporation By Reference.	92
005. -- 009. (Reserved)	92
010. Definitions.	92
011. Abbreviations.	94
0121. -- 019. (Reserved)	94
020. Applicability.	94
021. Supervision.	94
022. Inspections.	94
023. Tuberculosis Tests.	95
024. Reporting.	95
025. Quarantines.	95
026. Cleaning And Disinfecting.	95
0275. -- 027. (Reserved)	96
028. Tuberculosis Testing.	96
029. Tuberculosis Emergency.(Reserved)	96
030. Tuberculosis Indemnity.	96
031. Tuberculosis Indemnity -- Claims Not Allowed.	97
032. -- 099. (Reserved)	98
100. Official Identification.	98
101. Cattle, Bison, Goats, And Domestic Cervidae Market Release.	98
1021. -- 119. (Reserved)	98
120. Classification And Disposition Of Cattle, Bison, And Domestic Cervidae.	98
121. -- 199. (Reserved)	98
200. Procedures For Infected Herds and Feedlots.	98
201. -- 209. (Reserved)	98
210. Procedures For Tuberculosis - Infected Feedlots.	98
211. -- 219. (Reserved)	98
220. Disposition Of Tuberculin-Responding Cattle, Bison, And Domestic Cervidae.....	98
221. -- 249. (Reserved)	98
250. Identification Of Reactor Cattle And Bison.	98
251. -- 259. (Reserved)	98
260. Identification Of Exposed Cattle And Bison.	99
261. -- 299. (Reserved)	99
300. Retesting Of High-Risk Herds.	99
301. -- 399. (Reserved)	99
401. Idaho Approved Feedlot.	99
402. Application For Designation As An Approved Feedlot	99
403. Administrator Approval.	99

404. Approved Feedlot Number	99
405. Expiration Of Approved Status	99
4062. -- 499. (Reserved)	99
500. Movement Of Infected And Exposed Cattle, Domestic Cervidae, Or Bison	99
501. -- 999. (Reserved)	100
02.04.26 – Rules Governing the Public Exchange of Livestock	
Docket No. 02-0426-2501 (ZBR Chapter Rewrite)	
000. Legal Authority	102
001. Title And Scope	102
002. -- 109. (Reserved)	102
110. Definitions	102
111. Abbreviations	103
1121. -- 119. (Reserved)	104
120. Applicability	104
121. -- 129. (Reserved)	104
130. Inspections	104
131. -- 139. (Reserved)	104
140. Livestock Treatment	104
141. -- 149. (Reserved)	104
150. Dead Animal Disposal	104
151. -- 159. (Reserved)	104
160. Environmental Requirements	104
161. -- 199. (Reserved)	104
200. Livestock Dealers Records	104
201. -- 209. (Reserved)	105
220. Content Of Records	105
221. -- 229. (Reserved)	105
230. Records Retention	105
231. -- 239. (Reserved)	105
240. Approved Forms Of Identification	105
241. -- 299. (Reserved)	105
300. Approved Buying Stations	105
301. Application For Designation As An Idaho Approved Buying Station(Reserved)	106
302. Administrator Approval	106
303. Approved Buying Station Number	106
304. Expiration Of Approved Status	106
305. Revocation Of Approved Buying Station Status	106
306. Disposition Of Cattle	106
307. -- 314. (Reserved)	106
315. Identification	106
316. -- 319. (Reserved)	107
320. Buying Station Records	107
321. Content Of Records -- Buying Stations	107
322. Buying Station Records Retention	107
3232. -- 329. (Reserved)	107
330. Cattle Subject To Quarantine -- Buying Stations	107
331. -- 339. (Reserved)	107
340. Premises Requirements	107
341. -- 349. (Reserved)	108
350. Sanitation	108
351. -- 359. (Reserved)	108
360. Signage	108

361. -- 369. (Reserved).....	108
370. Location Of Buying Stations.....	108
371. -- 499. (Reserved).....	108
500. Approved Livestock Trader Lots.....	108
501. Application For Approved Livestock Trader Lot Status.....	109
502. Administrator Approval.....	109
503. Approved Livestock Trader Lot Number.....	109
504. Expiration Of Approved Status.....	109
505. -- 519. (Reserved).....	109
520. Identification.....	109
521. Approved Forms Of Identification.....	109
522. Content Of Records For Approved Livestock Trader Lots.....	109
523. Trader Lot Records Retention.....	110
5243 -- 529. (Reserved).....	110
530. Cattle Subject To Quarantine -- Trader Lots.....	110
531. -- 539. (Reserved).....	110
540. Removal Requirements.....	110
541. Livestock Dealer's Duty.....	111
542. -- 549. (Reserved).....	111
550. Livestock Trader Lot Premises.....	111
551. -- 559. (Reserved).....	111
560. Sanitation.....	111
561. -- 569. (Reserved).....	111
570. Revocation Of Approved Status.....	111
571. -- 603. (Reserved).....	112
604. Incorporation By Reference.....	112
605. -- 609. (Reserved).....	112
610. Definitions.....	112
611. -- 629. (Reserved).....	113
630. Inspections.....	113
631. -- 639. (Reserved).....	113
640. Livestock Treatment.....	113
641. -- 649. (Reserved).....	113
650. Dead Animal Disposal.....	113
651. -- 659. (Reserved).....	114
660. Environmental Requirements.....	114
661. -- 699. (Reserved).....	114
700. Public Livestock Market Charter.....	114
701. Public Livestock Market Minimum Sale Requirement.....	114
702. -- 709. (Reserved).....	114
710. Market Release.....	114
711. -- 714. (Reserved).....	114
715. Bio-Security Plan.....	114
716. -- 719. (Reserved).....	115
720. Identification.....	115
721. Approved Forms Of Identification.....	115
722. -- 729. (Reserved).....	115
730. Quarantine Pens.....	115
731. -- 749. (Reserved).....	115
750. Restraint Facilities.....	115
751. -- 759. (Reserved).....	116
760. Sanitary Conditions.....	116

761. -- 769. (Reserved).....	116
770. Records.....	116
771. -- 999. (Reserved).....	116
<i>02.06.01 – Rules Governing the Production and Distribution of Seed</i>	
<i>Docket No. 02-0601-2501 (ZBR Chapter Rewrite)</i>	
000. Legal Authority.....	118
001. Title And Scope.....	118
002. -- 109. (Reserved).....	118
110. Definitions.....	118
111. (Reserved).....	118
112. Methods Of Sampling -- General ProcedureIncorporation by Reference.....	118
113. -- 119. (Reserved).....	120
120. Germination Standards For vegetable seeds.....	120
121. -- 129. (Reserved).....	121
130. Germination Standards For Flower Seeds.....	121
131. -- 139. (Reserved).....	127
140. Germination Standards For Seed In Hermetically Sealed Containers.....	127
141. -- 149. (Reserved).....	129
150. Noxious Weeds.....	129
151. -- 159. (Reserved).....	132
160. Label Requirements Of Seeds For Sprouting.....	132
161. -- 169. (Reserved).....	132
170. Viability By TZ%.....	132
171. -- 179. (Reserved).....	132
180. Methods Of Testing.....	132
181. -- 189. (Reserved).....	132
190. Service Testing Fees -- Purity, Germination And Tetrazolium Fees.....	132
191. Service Testing Fees -- Special Tests.....	134
192. Service Testing Fees -- Miscellaneous Fees.....	135
193. (Reserved).....	136
194. Seed Dealer's License Fees.....	136
195. -- 209. (Reserved).....	136
210. Definitions.....	136
211. (Reserved).....	137
212. Production Districts.....	137
213. -- 219. (Reserved).....	137
220. Restrictions.....	137
221. -- 229. (Reserved).....	138
230. Requirements For All Brassica Seeds To Be Planted In Idaho.....	138
231. -- 239. (Reserved).....	138
240. Rapeseed Growing Outside Cultivated Fields Enforcement And Penalties.....	138
241. -- 249. (Reserved).....	138
250. Transportation Of Brassica Seeds Into And Throughout Idaho.....	138
251. -- 309. (Reserved).....	138
310. Definitions.....	138
311. -- 319. (Reserved).....	139
320. Annual Bluegrass Regulated Area.....	139
321. Rough Bluegrass Regulated Area.....	139
322. Rough Bluegrass Quarantine – Restrictions.....	139
323. -- 329. (Reserved).....	139
330. Regulated Articles.....	139
331. -- 339. (Reserved).....	139

340. Rules Governing Planting Of Regulated Articles (Annual Bluegrass).....	139
341. Qualifications Of Regulated Articles For Quarantine Release (Rough Bluegrass).	140
342. -- 349. (Reserved).....	140
350. Infested Seed Stock (Annual Bluegrass).	140
351. Rough Bluegrass Quarantine - Inspections.	140
352. -- 359. (Reserved).....	140
360. Application For Nursery Inspection.	140
361. -- 369. (Reserved).....	140
370. Exemptions (Annual Bluegrass).	140
371. Exemptions (Rough Bluegrass).	141
372. -- 379. (Reserved).....	141
380. Fees And Charges.	141
381. -- 999. (Reserved).....	141
02.06.02 – Rules Governing Registrations and Licenses	
Docket No. 02-0602-2501	
104. Incorporation By Reference.	143
115. Registration And Fees.....	143
404. Incorporation By Reference.	144
504. Incorporation By Reference.	144
02.06.06 – Rules Governing the Planting of Beans	
Docket No. 02-0606-2501	
051. Edible Harvest Exemption.	146
350. Detection, Identification, And Reporting Of Regulated Pests.	146
02.06.09 – Rules Governing Invasive Species and Noxious Weeds	
Docket No. 02-0609-2501	
135. Snake River Quarantine.	148
02.06.33 – Organic Food Products Rules	
Docket No. 02-0633-2501	
004. Incorporation By Reference.	150
300. Certification Requirements And Fees.	150
02.07.01 – Rules of the Idaho Hop Growers' Commission	
Docket No. 02-0701-2501 (ZBR Chapter Repeal)	
IDAPA 08 – STATE BOARD OF EDUCATION	
08.02.02 – Rules Governing Uniformity	
Docket No. 08-0202-2501	
000. Legal Authority.	154
015. Idaho Educator Credential.	154
016. Idaho Interim Certificate.	161
021. Endorsements.	163
076. Code Of Ethics For Idaho Professional Educators (Sections 33-1208 And 33-1209, Idaho Code)	163
08.02.03 – Rules Governing Thoroughness	
Docket No. 08-0203-2501	
000. Legal Authority.	169
004. Incorporation By Reference.	169
Docket No. 08-0203-2502	
000. Legal Authority.	172
004. Incorporation By Reference.	172
Docket No. 08-0203-2503	
004. Incorporation By Reference.	175

IDAPA 11 – IDAHO STATE POLICE*11.05.01 – Rules Governing Alcohol Beverage Control***Docket No. 11-0501-2501**

010. Definitions	178
011. General Provisions	178

*11.06.01 – Rules Governing Civil Asset Forfeiture Reporting***Docket No. 11-0601-2501 (ZBR Chapter Rewrite)***11.10.02 – Rules Governing State Criminal History Records and Crime Information***Docket No. 11-1002-2501 (ZBR Chapter Rewrite)****IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME***13.01.03 – Public Use of Lands Owned or Controlled by the Department of Fish and Game***Docket No. 13-0103-2501 (ZBR Chapter Rewrite)**

000. Legal Authority	184
001. Title And Scope	184
002. – 009. (Reserved)	184
010. Definitions	184
011. – 099. (Reserved)	184
100. Public Use Restrictions	184
101. – 999. (Reserved)	185

*13.01.04 – Rules Governing Licensing***Docket No. 13-0104-2401 (ZBR Chapter Rewrite)**

000. Legal Authority	187
001. Scope	187
002. – 009. (Reserved)	187
010. Definitions	187
011. – 049. (Reserved)	188
050. Resident Licenses And Lifetime Certificates	188
051. Purchasing Buying Licenses For Others	189
052. – 199. (Reserved)	189
200. Licenses, Permits, And Tags For Lifetime License Certificate Holders	190
201. Certificate Non-Transferable	190
202. Certificate Holders Residing Out-Of-State	190
203. Obtaining Certificates Unlawfully	190
204. Revocation Of Certificate And Licenses	190
205. – 249. (Reserved)	190
250. Defaced Or Altered Licenses Invalid	190
251. – 25461. (Reserved)	190
255. Authorization Number Pending Receipt of License	190
256. – 261. (Reserved)	191
262. Resident Licenses – Job Corps Students	191
263. Resident Licenses – Military Personnel – U.S. And Foreign	191
264. Resident Licenses – Student	191
265. Foreign Exchange High School Students	192
266. Foreigners/Aliens In Idaho	192
267. – 301. (Reserved)	192
302. Disability Licenses	192
303. Disabled Persons Motor Vehicle Hunting Permits	193
304. Reasonable Modification Permit (Weapon Restrictions)	193
305. Disabled Hunter And Companion: Game Tags, Permits, And Limits	194
306. – 39909. (Reserved)	195

310. Tags And Permits.....	195
311. Archery And Muzzleloader Permits.....	195
312. Delay In Eligibility For Buying Limited General Hunt Tag.....	195
313. -- 314. (Reserved).....	195
315. Nonresident Tag Restrictions.....	195
316. -- 319. (Reserved).....	196
320. Eligibility For Controlled Hunt Application.....	196
321. -- 329. (Reserved).....	197
330. Controlled Hunt Applications.....	197
331. -- 339. (Reserved).....	199
340. NR Draw And NR DAV Draw Hunt Choices And Applications.....	199
341. -- 349. (Reserved).....	199
350. Use Of Controlled Hunt Tags.....	199
351. -- 399. (Reserved).....	201
400. Landowner Appreciation Program (LAP).....	201
401. -- 499. (Reserved).....	202
500. Nonresident Deer And Elk Tag Outfitter Set-Aside and Allocated tags.....	202
501. -- 504. (Reserved).....	203
505. Apportionment of Deer And Elk Tag Allocations.....	203
506. Deer And Elk Tag Allocation In General Hunts Limited For Nonresidents Only.....	204
507. Deer And Elk Allocated Tags.....	205
508. -- 549. (Reserved).....	205
550. Nonresident Deer And Elk Tag Quotas.....	205
551. -- 559. (Reserved).....	206
560. Sale Of Unsold Nonresident General Deer And Elk Tags As Second TagsLeftover Tag Sales.....	206
561. -- 600. (Reserved).....	206
601. Refunds To Nonresidents And Exchanges.....	206
602. Special Military Deployment Refund And Rain Check.....	207
603. -- 699. (Reserved).....	208
700. Bighorn Sheep Auction Tag.....	208
701. Governor's Wildlife Partnership Tags.....	209
702. -- 799. (Reserved).....	209
800. Bighorn Sheep Lottery Tag.....	209
801. Special Controlled Hunts (SUPER HUNT PROGRAM).....	210
801. -- 899. (Reserved).....	211
900. Children With Special Needs Big Game Tag.....	211
901. Disabled Veterans Special Big Game Tag.....	212
902. -- 949. (Reserved).....	213
950. Designation Of Controlled Hunt Tags To Children.....	213
951. -- 999. (Reserved).....	214
13.01.08 – Rules Governing Taking of Big Game Animals	
Docket No. 13-0108-2401 (ZBR Chapter Rewrite)	
000. Legal Authority.....	216
001. Title And Scope.....	216
002. -- 009. (Reserved).....	216
010. Definitions.....	216
011. -- 199. (Reserved).....	216
200. Bag and Possession Limits.....	216
201. -- 249. (Reserved).....	217
250. Tags And Permits.....	217
251. Archery And Muzzleloader Permits.....	217

252. Delay In Eligibility For Buying Limited General Hunt Tag.....	217
253. -- 254. (Reserved).....	218
255. Nonresident Tag Restrictions.....	218
256. (Reserved).....	218
257. Eligibility For Controlled Hunt Application.....	218
258. Controlled Hunt Applications.....	220
259. Deadline For Claiming Tags and Unclaimed Tags.....	221
260. Use Of Controlled Hunt Tags.....	221
261. Special Controlled Hunts.....	223
262. (Reserved).....	224
263. Refunds of Controlled Hunt Fees.....	224
264. -- 269. (Reserved).....	225
270. Mandatory Hunter Orientation.....	225
271. -- 299. (Reserved).....	225
300. Identification Of Animals That Legally May Be Taken.....	225
301. -- 319. (Reserved).....	226
320. Tag Validation And Attachment.....	226
321. -- 349. (Reserved).....	226
350. Identification of Sex, Size, and/or Species in Possession and During Transportation or Shipment.....	226
351. -- 403. (Reserved).....	227
404. Special Weapon Seasons.....	227
405. Special Weapon Seasons – Archery.....	227
406. Special Weapon Seasons – Muzzleloader.....	228
407. Special Weapon Seasons – Short-Range Weapons.....	228
408. Special Weapon Seasons – Centerfire Open Sights.....	229
408. -- 409. (Reserved).....	229
410. Unlawful Methods Of Take – General.....	229
411. Motorized Hunting Rule.....	231
412. Designated Motorized Hunting Rule Units.....	231
413. Exceptions For Methods Of Take And Shooting Hours For Gray Wolf.....	231
414. -- 4189. (Reserved).....	231
419. Return Of Tags By Unsuccessful Hunters.....	232
420. Mandatory Check And Report Requirements.....	232
421. Mandatory Reports for Pronghorn, Deer, And Elk Report Requirements.....	233
422. Mandatory Telephone Report.....	233
423. -- 49949. (Reserved).....	233
450. Biological Sample Collection.....	233
451. -- 499. (Reserved).....	233
500. Areas Closed to Hunting of Big Game Animals.....	233
501. -- 7599. (Reserved).....	233
8600. Emergency Depredation Hunts.....	233
601. -- 609. (Reserved).....	234
610. Herd Health Kill Authorization.....	234
611. -- 699. (Reserved).....	235
700. Use of Bait for Hunting Big Game.....	235
701. Baiting Permit.....	236
702. Use of Bait by a Grizzly Bear.....	236
801703. -- 999. (Reserved).....	236

13.01.16 – Trapping of Wildlife and Taking of Furbearing Animals
Docket No. 13-0116-2401 (ZBR Chapter Rewrite)

000. Legal Authority	238
001. Title and Scope	238
002. -- 009. (Reserved)	238
010. Definitions	238
011. -- 099. (Reserved)	238
100. Identification Tags for Traps	238
101. -- 149. (Reserved)	239
150. Controlled Trapping Permits	239
151. -- 199. (Reserved)	239
200. Traps	239
201. -- 399. (Reserved)	240
400. Furbearing Animals – Methods Of Take	240
401. -- 449. (Reserved)	240
450. Limits On Trapping	240
451. -- 454. (Reserved)	241
455. Gray Wolf Trapping	241
456. -- 499. (Reserved)	242
500. Mandatory Check And Report – Pelt Tags	242
501. -- 599. (Reserved)	242
600. Trapping On Game Preserves and Wildlife Management Areas Department-owned Or Controlled Lands	242
601. -- 699. (Reserved)	243
700. Common Season Boundaries for Streams and Rivers	243
701. -- 799. (Reserved)	243
800. Trapping Reports	243
801. -- 999. (Reserved)	243
13.01.19 – Rules for Selecting, Operating, Discontinuing, and Suspending Vendors	
Docket No. 13-0119-2501 (ZBR Chapter Rewrite)	
000. Legal Authority	246
001. Title and Scope	246
002. -- 099. (Reserved)	246
100. Vendor Classification	246
1010. Application	246
1021. Selection	247
1032. Active Vendor Ceiling	248
1043. Licensing System	248
1054. -- 109. (Reserved)	248
110. Out-of-State Vendors	248
111. Vendor Location Not Movable	248
112. Types of Licenses Sold by Vendor	248
113. -- 119. (Reserved)	248
120. Contract Agreement Violations	248
121. Termination or Suspension of Vendor	249
122. -- 129. (Reserved)	250
130. Issuing Licenses and Tags	250
131. -- 149. (Reserved)	250
150. Public Monies	250
151. Voided and Cancelled Licenses	250
152. Loss of Documents and Fees	250
153. Inspection and Audit	250
154. Transfer and Sale of Documents Issued to Vendors	250
155. Return Of Equipment, License Stock, Forms, And Supplies	250

156. Internet Service Provider (ISP)	251
157. Credit Card Fees	251
1578. -- 199. (Reserved)	251
200. Contract To Take License Applications By Telephone Or Other Electronic Methods.	251
201. -- 999. (Reserved)	251

IDAPA 15 – OFFICE OF THE GOVERNOR / IDAHO COMMISSION ON AGING

15.01.01 – Rules Governing Senior Services and Older Americans Act Programs

Docket No. 15-0101-2501 (ZBR Chapter Rewrite)

000. Legal Authority	253
001. Title And Scope	253
002. -- 009. (Reserved)	253
010. Definitions	253
011. Demonstration Projects	255
012. Program Purpose	255
011. -- 012. (Reserved)	255
013. Program Policy	255
014. Program Eligibility.(Reserved)	257
015. Service Priority	257
016. Service Limitations And Exceptions	257
017. -- 999. (Reserved)	257

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.08 – Federal Welfare Programs

Docket No. 16-0308-2502 (ZBR New Chapter)

112. Individual Responsibility Plan (Irp)	261
200. LIHEAP Eligibility	261
201. Mandatory LIHEAP Household Members	262

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.02 – Rules Governing Mined Land Reclamation

Docket No. 20-0302-2401 (ZBR Chapter Rewrite)

000. Legal Authority	264
001. Title And Scope	264
002. -- 009. (Reserved)	266
010. Definitions	266
011. Abbreviations	268
0121. -- 049. (Reserved)	269
050. Administration	269
051. -- 059. (Reserved)	269
060. Exploration Operations And Required Reclamation	269
061. -- 067. (Reserved)	270
068. Application Fees	270
069. Application Procedure And Requirements For Quarries, Decorative Stone, Building Stone, And Aggregate Materials Including Sand, Gravel And Crushed Rock.	271
070. Application Procedure And Requirements For Other Mining Operations Including Hardrock, Underground And Phosphate Mining.	273
071. Application Procedure And Requirements For Permanent Closure Of Cyanidation Facilities. .	275
072. -- 079. (Reserved)	278
080. Procedures For Review And Decision Upon An Application For A Reclamation Plan Or Permanent Closure Plan.	278
081. -- 089. (Reserved)	281
090. Amending An Approved Reclamation Plan	281

091. Amending An Approved Permanent Closure Plan.....	281
092. -- 099. (Reserved).....	282
100. Deviation From An Approved Reclamation Plan.....	282
101. -- 109. (Reserved).....	282
110. Public Hearing.....	282
111. Completion Of Permanent Closure.....	283
112. Decision To Approve Or Disapprove Of A Permanent Closure Report.....	284
113. -- 119. (Reserved).....	285
120. Financial Assurance Requirements.....	285
121. (reserved).....	289
122. Form Of Financial Assurance.....	289
123. Forfeiture Of Financial Assurance.....	293
124. -- 129. (Reserved).....	293
130. TransferAssignment Of Approved Plans.....	293
131. -- 139. (Reserved).....	294
140. Best Management Practices And Reclamation For Mining Operation And Permanent Closure Of Cyanidation Facilities.....	294
141. -- 149. (Reserved).....	300
150. Termination Of A Plan.....	300
151. -- 154. (Reserved).....	300
155. Five (5) Year Updates And Periodic Inspections.....	300
156. -- 159. (Reserved).....	300
160. Enforcement And Failure To Comply.....	300
161. -- 169. (Reserved).....	301
170. Computation Of Time.....	301
171. -- 179. (Reserved).....	301
180. Public And Confidential Information.....	301
181. -- 189. (Reserved).....	301
190. Deposit Of Forfeitures And Damages.....	301
191. -- 199. (Reserved).....	301
200. Compliance Of Existing Reclamation Plans.....	301
201. -- 999. (Reserved).....	302

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.02.01 – Rules of the State Athletic Commission

Docket No. 24-0201-2501 (Fee Rule)

000. Legal Authority.....	304
002. Incorporation By Reference.....	304
101. Combatant.....	304
117. Fees.....	305
302. -- 3998. (Reserved).....	305
399. Admission Fee At Quarters Where Combatant Trains.....	305
504. Equipment Of The Chief Second.....	306

24.05.01 – Rules of the Board of Drinking Water and Wastewater Professionals

Docket No. 24-0501-2501 (Fee Rule)

002. Definitions.....	308
003. -- 099. (Reserved).....	308
100. Licensure.....	308
101. -- 199. (Reserved).....	311
200. Practice Standards.....	311
201. -- 399. (Reserved).....	312
400. Fees.....	312

<i>24.06.01 – Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants</i>	
Docket No. 24-0601-2501 (Fee Rule)	
400. Fees	314
<i>24.09.01 – Rules of the Board of Examiners of Nursing Home Administrators</i>	
Docket No. 24-0901-2501 (Chapter Repeal)	
<i>24.13.01 – Rules Governing the Physical Therapy Licensure Board</i>	
Docket No. 24-1301-2501 (Fee Rule)	
400. Fees	317
<i>24.17.01 – Rules of the State Board of Acupuncture</i>	
Docket No. 24-1701-2501 (Fee Rule)	
000. Legal Authority	319
100. Qualifications for Licensure or Certification	319
105. Continuing Education Requirements	319
201. Supervision Plan	319
202. – 299. (Reserved)	320
300. Discipline	320
301. – 399. (Reserved)	320
400. Fees	320
<i>24.21.01 – Rules of the Idaho State Contractors Board</i>	
Docket No. 24-2101-2501 (Fee Rule)	
400. Fees	323
<i>24.22.01 – Rules of the Idaho State Liquefied Petroleum Gas Safety Board</i>	
Docket No. 24-2201-2501 (Fee Rule)	
400. Fees	325
<i>24.23.01 – Rules of the Speech, Hearing, and Communication Services Licensure Board</i>	
Docket No. 24-2301-2501 (Fee Rule)	
100. Licensure	327
400. Fees	329
<i>24.28.01 – Rules of the Barber and Cosmetology Services Licensing Board</i>	
Docket No. 24-2801-2501 (Fee Rule)	
002. Definitions	331
003. – 099. (Reserved)	331
100. Licensure	331
200. Practice Standards	333
201. – 399. (Reserved)	335
400. Fees	335
<i>24.32.01 – Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors</i>	
Docket No. 24-3201-2501	
400. Fees	338
<i>24.35.01 – Rules of the Outfitters and Guides Licensing Board</i>	
Docket No. 24-3501-2501	
000. Legal Authority	340
002. Definitions	340
003. – 099. (Reserved)	341
100. Outfitter Or Designated Agent License Or Amendment Application	341
203. Operating Area	342
205. Availability Of Outfitting Opportunities	343
257. Designation Of Allocated Deer And Elk Tags	343
259. River, Lake, And Reservoir Power And Float Outfitter Limits	346

*24.39.30 – Rules of Building Safety (Building Code Rules)****Docket No. 24-3930-2502***

600. Idaho Building Codes.	359

*24.41.01 – Rules of the Long-Term Care Administrators Board****Docket No. 24-4101-2501 (New Chapter)***

000. Legal Authority.	368
001. Scope.	368
002. Incorporation By Reference.	368
003. Definitions.	368
004. – 099. (Reserved)	368
100. Licensure.	368
101. – 103. (Reserved)	369
104. Continuing Education Requirements.	370
105. – 299. (Reserved)	370
300. Discipline.	370
301. – 399. (Reserved)	370
400. Fees.	370
401. – 999. (Reserved)	370

IDAPA 28 – DEPARTMENT OF COMMERCE*28.02.03 – Department of Commerce Grant Program Rules****Docket No. 28-0203-2501 (ZBR Chapter Rewrite)***

000. Legal Authority.	372
001. Title And Scope.	372
002. Incorporation By Reference.	372
003. Referenced Material.	372
0024. -- 009. (Reserved)	373
010. Definitions.	373
011. -- 049. (Reserved)	373
050. General Grant Program Requirements.	373
051. -- 099. (Reserved)	374
100. Idaho Regional Travel And Convention Grant Program.	374
101. -- 149. (Reserved)	375
150. Idaho Gem Grant (IGG) Program.	375
151. -- 199. (Reserved)	376
200. Rural Community Investment Fund (RCIF).	376
201. -- 249. (Reserved)	377
250. Idaho Global Entrepreneurial Mission (IGEM) Grant Program.	377
251. -- 299. (Reserved)	377
300. Idaho Opportunity Fund.	377
301. -- 349. (Reserved)	378
350. Idaho Community Development Block Grant (ICDBG).	378
351. -- 999. (Reserved)	378

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION*31.27.01 – Rules Governing Pole Attachments****Docket No. 31-2701-2501 (New Chapter)***

000. Legal Authority.	380
001. Scope.	380
002. Definitions.	380
003. – 009. (Reserved)	381
010. Timelines For Permitting Process.	381

011. – 019. (Reserved)	382
020. Non-Discriminatory Access To Poles – Denial Of Access	382
021. – 029. (Reserved)	382
030. Make-Ready Work.	382
031. – 039. (Reserved)	383
040. Enforcement And Unauthorized Attachments.	383
041. – 049. (Reserved)	383
050. Time For Decision – Applicable Rules Of Procedure Under Section 61-538(3), Idaho Code.	383
051. – 999. (Reserved)	383

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

37.02.04 – Shoshone Bannock Tribal Water Supply Bank Rules

Docket No. 37-0204-2501 (ZBR Chapter Rewrite)

000. Legal Authority (Rule 0).	385
001. Title And Scope (Rule 1).	385
002. Incorporation By Reference.	386
0023. -- 009. (Reserved)	386
010. Definitions (Rule 10).	386
011. -- 024. (Reserved)	387
025. General (Rule 25).	387
026. -- 029. (Reserved)	387
030. Management (Rule 30).	387
031. -- 034. (Reserved)	388
035. Assignments Of Tribal Stored Water To The Bank (Rule 35) Rental Pool.	388
036. -- 039. (Reserved)	388
040. Rental Of Water From The Rental Pool (Rule 40).	388
041. -- 044. (Reserved)	389
045. Geographic Scope Of Renting (Rule 45).	389
046. -- 049. (Reserved)	389
050. Rental Payments (Rule 50).	389
051. -- 054. (Reserved)	389
055. Term Of Rentals (Rule 55).	389
056. -- 059. (Reserved)	389
060. Liability (Rule 60).	389
061. -- 999. (Reserved)	389

37.03.07 – Stream Channel Alteration Rules

Docket No. 37-0307-2501 (ZBR Chapter Rewrite)

000. Legal Authority (Rule 0).	391
001. Title And Scope (Rule 1).	391
002. -- 009. (Reserved)	391
010. Definitions (Rule 10).	391
011. -- 024. (Reserved)	393
025. Exemptions (Rule 25).	393
026. -- 029. (Reserved)	393
030. Applications (Rule 30).	393
031. -- 034. (Reserved)	394
035. Application Review (Rule 35).	394
036. -- 039. (Reserved)	394
040. Approval (Rule 40).	394
041. -- 044. (Reserved)	395
045. Enforcement Of Act (Rule 45).	395
046. -- 049. (Reserved)	395

050. Emergency Waiver (Rule 50).	395
051. -- 054. (Reserved).	395
055. Minimum Standards (Rule 55).	396
056. Construction Procedures (Rule 56).	396
057. Permanent Structures.	397
0578. DumpedPlaced Rock Riprap (Rule 57).	397
059. Bioengineering.	400
05860.Drop Structures, Sills, And Barbs (Rule 58).	400
05961.Culverts And Bridges (Rule 59).	401
0602. Removal Of Sand And Gravel Deposits (Rule 60).	403
0613. Small Scale Mining with Suction Dredges, Powered Sluices, or Non-powered Equipment (Rule 61).	404
062. Piling (Rule 62).	404
063. Pipe Crossings (Rule 63).	405
064. Concrete Plank Boat Launch Ramps (Rule 64).	405
065. -- 069. (Reserved).	405
070. Hearings On Denied, Limited, Or Conditioned Permit Or Other Decisions Of The Director (Rule 70).	405
07164. -- 999. (Reserved).	406
37.03.12 – Idaho Department of Water Resources Water Distribution Rules – Water District 34	
Docket No. 37-0312-2501 (ZBR Chapter Rewrite)	
000. Legal Authority (Rule 0).	423
001. Scope (Rule 1).	423
002. -- 009. (Reserved).	423
010. Definitions (Rule 10).	423
011. -- 024. (Reserved).	424
025. River Reaches (Rule 25).	424
026. -- 029. (Reserved).	425
030. Natural Flows (Rule 30).	425
031. -- 034. (Reserved).	426
035. Measuring Devices And Control Works (Rule 35).	426
036. -- 039. (Reserved).	427
040. Allocation Of Natural Flow (Rule 40).	427
041. -- 054. (Reserved).	429
055. Water Usage (Rule 55).	429
056. -- 059. (Reserved).	430
060. Accounting For Water Delivery (Rule 60).	430
061. -- 999. (Reserved).	430
IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT	
39.02.60 – Rules Governing License Plate Provisions	
Docket No. 39-0260-2501 (ZBR Chapter Rewrite)	
000. Legal Authority.	432
001. PurposeScope.	432
002. -- 009. (Reserved).	432
010. Definitions.	432
011. License Plate Provisions For All License Plates.	433
012. Proof Of Registration For New, Replacement, Or Reissued License Plates.	433
013. -- 099. (Reserved).	433
100. License Plate Provisions For Standard Plates.	433
101. License Plate Provisions For Restricted Vehicle Plates.	434
102. -- 149. (Reserved).	434

150.	Vehicle Dealer and manufacturer License Plates Formats.....	434
151.	Vehicle Dealer License Plates Restrictions.....	434
152.	Vehicle Dealer Loaner Plates.....	434
153.	Vehicle Dealer Provisions for Transporter Registration And Plates.....	435
154.	Provisions For Wrecker Plates.....	436
155.	Provisions For Special License Plate Program Prequalification And Application Procedures..	436
156. -- 198.	(Reserved).....	437
199.	License Plate Provisions For Special Program And Personalized Plates For Trailers.....	437
200.	License Plate Provisions For Special Plates.....	437
201.	Provisions For Legislative License Plates.....	438
202.	Provisions For Personalized License Plates.....	438
203.	Provisions For Former Prisoner Of War (POW) License Plates.....	439
204.	Surrender Of Plates.....	440
205. -- 299.	(Reserved).....	440
300.	Provisions For Sample Plates.....	440
301. -- 399.	(Reserved).....	440
400.	Standard Exempt Plate DesignatorsProvisions for Exempt License Plates.....	440
401.	Issuing Agency.....	441
402.	Information To Be Provided By An Authorized Agency.....	441
403.	Vehicle Titling.....	441
404.	Exempt And Undercover Plate Fees.....	441
405.	Exempt Plate Display.....	441
406.	Undercover Plate Display.....	441
407.	Alternative Plates.....	441
406. -- 407.	(Reserved).....	442
408.	Exempt Plate Status.....	442
409.	Undercover Plate Status.....	442
410. -- 999.	(Reserved).....	442
39.03.49 – Rules Governing Ignition Interlock Devices		
Docket No. 39-0349-2501 (ZBR Chapter Rewrite)		
000.	Legal Authority.....	444
001.	Title And Scope.....	444
002. -- 009.	(Reserved).....	444
010.	Definitions.....	444
011. -- 099.	(Reserved).....	445
100.	Certification Process.....	445
101. -- 199.	(Reserved).....	447
200.	Installation Standards.....	447
201. -- 299.	(Reserved).....	447
300.	Device Maintenance And Reports.....	447
301.	Device Security.....	448
302. -- 399.	(Reserved).....	449
400.	Mandatory Operational Features.....	449
401.	Other Provisions.....	449
402.	Removal Procedures.....	450
403. -- 499.	(Reserved).....	450
500.	Primary Responsibilities Of Agencies/Offices Monitoring This Rule Chapter.....	450
501. -- 999.	(Reserved).....	451

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION**55.01.03 – Rules of Career Technical Centers****Docket No. 55-0103-2501**

005. Definitions.	453
IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD	
57.01.01 – Rules of the Sexual Offender Management Board	
Docket No. 57-0101-2501	
000. Legal Authority.	455
001. Scope.	455
002. (Reserved)	456
003. Incorporation By Reference.	456
004. -- 009. (Reserved).....	456
010. Definitions.	456
011. Abbreviations.	458
0121. -- 019. (Reserved).....	458
101. Continuing Education For Psychosexual Evaluators And Sexual Offender Treatment Providers.	458
1021. -- 149. (Reserved).....	459
201. Levels Of Post Conviction Sexual Offender Polygraph Examiner Certification.....	459
202. -- 230. (Reserved).....	459
231. Continuing Education For Post Conviction Sexual Offender Polygraph Examiners.....	459
232. -- 299. (Reserved).....	459
IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY	
58.01.08 – Idaho Rules for Public Drinking Water Systems	
Docket No. 58-0108-2502	
552. Operating Criteria For Public Water Systems.	461
IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS	
62.01.01 – Idaho Rules of Administrative Procedure	
Docket No. 62-0101-2501	
002. Definitions (Rule 2).....	468
004. Liberal Construction (Rule 4).	468
011. Use Of Artificial Intelligence By Parties (Rule 11).	468
012. Orders Generated With Artificial Intelligence (Rule 12).....	469
0113. -- 099. (Reserved)	469
152. Neutrals (Rule 152).	469
206. Persons Not Parties – Interested Persons (Rule 206).	469
250. Appointment Of Hearing Officers (Rule 250).	470
251. Disqualification (Rule 251).	470
253. Constitutional Challenges To Statutes and Rules (Rule 253).	470
254. Other Challenges To Rules (Rule 254).	470
325. Motions — Defined — Form And Contents — Time For Filing (Rule 325).....	471
327. Stay Of Agency Action (Rule 327).	471
328. Motions To Seal (Rule 328).	471
3279. -- 349. (Reserved)	472
425. Default (Rule 425).	472
426. Continuance In Lieu Of Default (Rule 426).	473
427. Appearance At Hearing (Rule 427).	473
428. Inactive Cases (Rule 428).	473
4279. -- 449. (Reserved)	473
450. Kinds And Scope Of Discovery Listed (Rule 450).....	473
453. Subpoenas (Rule 453).	473
454. Filing And Service Of Discovery-related Documents (Rule 454).....	474
456. Sanctions For Failure To Obey Order Compelling Discovery (Rule 456).....	474

487. Adverse Inference (Rule 487)	474
4878. – 499. (Reserved)	474
515. View Of Premises, Property, Or Things (Rule 515).....	474
5156. – 599. (Reserved)	474
601. Recording Or Reporting Of Hearings (Rule 601).	474
602. – 624. (Reserved)	475
625. Recommended Orders (Rule 625).	475
626. Preliminary Orders (Rule 626).	476
627. Final Orders (Rule 627).....	477
633. Voiding Of Orders (Rule 633).....	478
751. Hearing On Emergency Order (Rule 751).....	479
752. – 799. (Reserved)	480
800. Other Agency-specific Contested Case Rules (Rule 800).	480

LEGAL NOTICE

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 required information concerning their intent to change or make new the following rules in the latest publication of the state Administrative Bulletin.

*The proposed rule public hearing request deadline is October 15, 2025, unless otherwise posted.
The proposed rule written comment submission deadline is October 22, 2025, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 7249, Boise, ID 83707

02-0108-2501, Rules Governing Grizzly Bear and Wolf Depredation. New Chapter governs distribution from the Depredation of Livestock and Prevention Fund to compensate livestock owners that have experienced depredation of livestock by grizzly bear and/or wolves.

02-0205-2501, Rules Governing Stone Fruit Grades. Zero-Based Regulation (ZBR) Chapter Rewrite specifies general requirements for the inspection and grading of plums, prunes, sweet cherries, and apricots in the state of Idaho.

02-0207-2501, Rules Governing Bulk Permits and Retail Sale of Potatoes. ZBR Chapter Rewrite governs the application for a permit to ship bulk potatoes, permit fees, and marketing order requirements and specifies the inspection, grading, marking, and retail sales of potatoes in the state.

02-0214-2501, Rules for Weights and Measures. ZBR Chapter Rewrite regulates the checking, testing, and examination of weighing and measuring devices, packages, and labels for consumer, non-consumer, and commercial applications to ensure the accuracy of consumers' commodities.

02-0303-2501, Rules Governing Pesticide and Chemigation Use and Application. Proposed changes consider the option of a five-year license term, separating new license categories for potato cellar and wood preservation licenses, adding a new category for applicators using aerial unmanned drones, and lengthening the sunset provisions on commercial apprentices.

02-0420-2501, Rules Governing Brucellosis. ZBR Chapter Rewrite governs prevention, surveillance, diagnosis, control, management, and eradication of brucellosis in the state to minimize market restrictions on Idaho cattle.

02-0424-2501, Rules Governing Tuberculosis. ZBR Chapter Rewrite oversees procedures for the prevention, surveillance, control, management, and eradication of tuberculosis in all cattle, bison, domestic cervidae, goats, and other susceptible animals in the state of Idaho.

02-0426-2501, Rules Governing the Public Exchange of Livestock. ZBR Chapter Rewrite regulates the record keeping of livestock dealers and facilities, and the record keeping, identification, quarantine, and movement of livestock through buying stations, trader lots, and livestock markets.

02-0601-2501, Rules Governing the Production and Distribution of Seed. ZBR Chapter Rewrite governs the sale or distribution of seed in Idaho, including restrictions to protect rapeseed and bluegrass, and also establish service testing fees for purity, germination, tetrazolium, and special tests.

02-0602-2501, Rules Governing Registrations and Licenses. Rulemaking makes annual updates to Incorporated by Reference documents that include refinements to definitions, technical terms, and other standards vital for meeting both statutory and national cooperation product regulation.

02-0606-2501, Rules Governing the Planting of Beans. Proposed change clarifies the seed imported to Idaho to be planted to produce edible beans.

02-0633-2501, Organic Food Products Rules. Changes update the National Organic Program Regulations document

Incorporated by Reference and amend the application period for organic certification to more align with crop production years which will assist with certification management.

02-0701-2501, Rules of the Idaho Hop Growers' Commission. ZBR Chapter Repeal recommended due to prescriptive nature of authorizing statute.

IDAPA 08 – STATE BOARD OF EDUCATION

PO Box 83720, Boise, ID 83720-0037

08-0202-2501, Rules Governing Uniformity. Proposed changes to the Code of Ethics for Idaho Professional Educators aim to reduce unethical interactions by: limiting educator/student communications to district approved devices and platforms; prohibiting use of a district device or network to engage in any sexually explicit activity; and by restricting co-mingling public funds with any personal account.

08-0203-2501, Rules Governing Thoroughness. Proposed change updates the Special Education Manual Incorporated by Reference to clarify: specific learning disability (SLD) eligibility requirements; guidance related to charter school, private school, and home-school students; and guidance related to graduation requirements and discipline.

08-0203-2502, Rules Governing Thoroughness. Proposed amendments update the Social Studies K-12 content standards Incorporated by Reference as a result of prior rule rejection via legislative action and per the request of the legislature.

08-0205-2501, Rules Governing Pay for Success Contracting. ZBR Chapter Repeal determined by nonutilization of rule provisions by agency.

IDAPA 11 – IDAHO STATE POLICE

700 S Stratford Dr, Meridian, ID 83642

11-0501-2501, Rules Governing Alcohol Beverage Control. Proposed changes provide greater clarity and lessen regulatory requirements for Idaho businesses by revising a definition, determining food requirements, removing items from operating/security plan, and exempting certain premises.

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

PO Box 25, Boise, ID 83707

13-0103-2501, Public Use of Lands Owned or Controlled by the Department of Fish and Game. ZBR Chapter Rewrite governs use of lands owned or controlled by the Department by adding clarifying language around prohibited activities; adding a definition for ‘camping’ and modifying the ‘watercraft’ definition for consistency; and adding language that provides the agency more flexibility in posting camping stay limits.

13-0104-2401, Rules Governing Licensing. ZBR Chapter Rewrite governs licensing and, after evaluation, moves out relevant content that specifically addresses big game to 13.01.08 and moves in content that addresses general licensing topics from 13.01.08 to help streamline both chapters. Additional changes address multiple Landowner Programs and Hunts and provide more opportunities for Hells Canyon hunters.

13-0108-2401, Rules Governing Taking of Big Game Animals. ZBR Chapter Rewrite governs the taking of big game animals and, after evaluation, moves in relevant content that specifically addresses big game from 13.01.04 and moves out content that addresses general licensing topics to 13.01.04 to help streamline both chapters.

13-0116-2401, Trapping of Wildlife and Taking of Furbearing Animals. ZBR Chapter Rewrite regulates the trapping of wildlife and taking of furbearing animals and: clarifies definition for ‘bait’; increases accidental take reimbursement to \$25 for bobcat, otter, or fisher; allows for discretion to authorize use of certain snow-covered routes; and refines restrictions and clarifications on trapping.

13-0117-2401, Rules Governing Use of Bait for Hunting Big Game Animals. ZBR Chapter Repeal moves vital provisions to dkt. 13-0108-2401.

13-0119-2501, Rules for Selecting, Operating, Discontinuing, and Suspending Vendors. ZBR Chapter Rewrite establishes standards for license vendors and related administration and: removes vendor classifications to simplify the process; adds a ‘community benefit’ component allowing for applicants to qualify; adds structured language for vendor application disqualification or contract cancellations; removes eligibility for out-of-state applicants; and allows vendors to collect a credit card fee.

IDAPA 15 – OFFICE OF THE GOVERNOR, IDAHO COMMISSION ON AGING

6305 W Overland Rd, Ste 110, Boise, ID 83709

***15-0101-2501, Rules Governing Senior Services and Older Americans Act Programs.** (*PH) ZBR Chapter Rewrite provides minimum requirements for aging services funded under both state and federal authority related to Idaho’s aging programs and services.

15-0120-2501, Rules Governing Area Agency on Aging (AAA) Operations. ZBR Chapter Repeal due to duplicative federal law and contract terms.

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

PO Box 83720, Boise, ID 83720-0050

***20-0302-2401, Rules Governing Mined Land Reclamation.** (*PH) ZBR Chapter Rewrite enables responsible mineral extraction while protecting public health, safety, and welfare by ensuring that lands disturbed by exploration and mining operations are operated and reclaimed properly.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

11341 W Chinden Blvd, Bldg. 4, Boise, ID 83714

24-0201-2501, Rules of the State Athletic Commission. Proposed changes would decrease fees for several forms of licensees and create a fee for Amateur Athletic Sanctioning Organizations, as well as update a document Incorporated by Reference.

24-0501-2501, Rules of the Board of Drinking Water and Wastewater Professionals. Proposed changes update the calculation of continuing education and limit the number of managerial units required; eliminate the responsible charge requirements and decrease system classifications; clarify completions for apprenticeship programs; streamline the process for acquiring a higher level of license; and increase fees.

24-0601-2501, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants. Amendments address statutory expectations and compliance with the Board's cash balance through fee increases, remaining at or below costs in comparable states.

24-0901-2501, Rules of the Board of Examiners of Nursing Home Administrators. Chapter repeal merges key provisions into dkt. 24-4101-2501.

24-1301-2501, Rules Governing the Physical Therapy Licensure Board. Licensure fee increases address statutory expectations and compliance with the Board's cash balance, however remaining at or below costs in comparable states.

24-1701-2501, Rules of the State Board of Acupuncture. Licensure and renewal fee increases address statutory expectations and compliance with the Board's cash balance, however remaining competitive or lower than in comparable states.

24-1901-2501, Rules of the Board of Examiners of Residential Care Facility Administrators. Chapter repeal consolidates and merges necessary substance and essential provisions into dkt. 24-4101-2501.

24-2101-2501, Rules of the Idaho State Contractors Board. To ensure sustainability of the Board, increased fees address the statutory requirements regarding the Board's cash balance.

24-2201-2501, Rules of the Idaho State Liquefied Petroleum Gas Safety Board. Proposed amendments increase fees to address the Board's cash balance and decrease the amount collected for Bulk Storage Facilities.

24-2301-2501, Rules of the Speech, Hearing, and Communication Services Licensure Board. Rulemaking adds a license type for Sign Language Video Interpreting, and accompanying fee, as required by law.

24-2801-2501, Rules of the Barber and Cosmetology Services Licensing Board. Changes address compliance with the statutory expectations and the Board's cash balance via a 10%-20% fee increase and also add necessary definitions and provisions for Mobile Establishment Licensure.

24-3201-2501, Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors. This rulemaking moves the Board's official fee table from its website into rule, as required by law, without making changes to any of the current fee amounts.

24-3501-2501, Rules of the Outfitters and Guides Licensing Board. Definitions duplicative of statute have been removed, changes requested to tag calculations have been made, and operating boundaries in three river sections have been adjusted as a result of this rulemaking.

24-3930-2502, Rules of Building Safety (Building Code Rules). As support for current building codes is phased out, the Building Code Board aims to update relevant versions of Codes Incorporated by Reference for better access to tools and documentation inspectors rely on for enforcement.

24-4101-2501, Rules of the Long-Term Care Administrators Board. Legislative action merged two previous Boards into a single new one, thus consolidating necessary provisions from IDAPAs 24.09.01 and 24.19.01 into this New Chapter regarding long-term care facility administration.

IDAPA 28 – DEPARTMENT OF COMMERCE

700 W State St, Boise, ID 83702

***28-0203-2501, Department of Commerce Grant Program Rules.** (*PH) ZBR Chapter Rewrite implements the Department's grant programs, e.g., Idaho Regional Travel and Convention Grant Program; Idaho Gem Grant

Program; Rural Community Investment Fund; IGEM Grant Program; Idaho Opportunity Fund; and Idaho Community Development Block Grant Program.

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

PO Box 83720, Boise, ID 83720-0074

***31-2701-2501, Rules Governing Pole Attachments.** (*PH) New Chapter applies to all pole attachments by a provider of telecommunications service, broadband, or cable services company.

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES

PO Box 83720, Boise, ID 83720-0098

37-0204-2501, Shoshone Bannock Tribal Water Supply Bank Rules. ZBR Chapter Rewrite sets order for the Shoshone-Bannock Water Bank to provide for rental of tribal stored water outside the reservation pursuant to state law and operated under administrative rule and Tribal Agreement.

37-0307-2501, Stream Channel Alteration Rules. ZBR Chapter Rewrite governs the permitting of common-type stream channel alterations that will not be a hazard to the stream channel and its environment and establishes the collection of associated statutory filing fees.

37-0312-2501, Idaho Department of Water Resources Water Distribution Rules – Water District 34. ZBR Chapter Rewrite establishes standards for the distribution of surface and ground water within Water District 34, the Big Lost River Basin.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

PO Box 7129, Boise, ID 83707-1129

39-0260-2501, Rules Governing License Plate Provisions. ZBR Chapter Rewrite clarifies rule provisions related to proof of registration, custom vehicle program fees, plates sizes, and exempt personalized plates.

39-0349-2501, Rules Governing Ignition Interlock Devices. As required by law, this ZBR Chapter Rewrite regarding the certification, installation, repair, and removal of ignition interlock devices was reviewed by the agency that is proposing nonsubstantive clarifying edits to several provisions.

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

PO Box 83720, Boise, ID 83720-0037

55-0103-2501, Rules of Career Technical Centers. Proposed amendment removes the definition ‘concentrator’ and reference to that term from the definition of ‘participation’ because students in a capstone course already meet the federally defined definition as part of the Perkins V program.

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD

1299 N Orchard St Ste#110, Boise, ID 83706

57-0101-2501, Rules of the Sexual Offender Management Board. Proposed changes reduce the number of continuing education hours required of both SOMB certified provisional level and certified senior and associate level psychosexual evaluators and sexual offender treatment providers which mirrors related licensing boards, and also updates Incorporation by Reference documents which, consequently, allows for the removal of rule sections due to the material being presented in the updated incorporated standards.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

1410 N Hilton St, Boise, ID 83706

58-0108-2502, Idaho Rules for Public Drinking Water Systems. Proposed rule seeks to remedy unintended impacts from previous rulemaking to existing water systems by reverting the psi requirement to its previous level to reduce the cost and regulatory burden impacting Idaho businesses.

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

350 N 9th St Ste 300, Boise, ID 83702

62-0101-2501, Idaho Rules of Administrative Procedure. Proposed rule provides updates, revisions, and clean-ups to IDAPA 62.01.01 necessitated by passage of HB9a and HB36 to include: definition revisions, provisions on artificial intelligence (AI), a disqualification timeline, application of a court’s precedent, sealed orders, adverse inference, viewing evidence, and contents of recommended and preliminary orders.

NOTICE OF ADOPTION OF TEMPORARY RULES ONLY**IDAPA 02 – DEPARTMENT OF AGRICULTURE****02-0609-2501**, Rules Governing Invasive Species and Noxious Weeds**IDAPA 08 – STATE BOARD OF EDUCATION****08-0203-2503**, Rules Governing Thoroughness

Please refer to the Idaho Administrative Bulletin **October 1, 2025, Volume 25-10**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

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CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Division of Financial Management
Office of the Governor*

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Division of Financial Management*

April 4, 2025 – October 1, 2025

(PLR 2026) – Final Effective Date Is Pending Legislative Review in 2026

(eff. date)L – Denotes Adoption by Legislative Action

(eff. date)T – Temporary Rule Effective Date

SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # – denotes the number of a House Concurrent Resolution (Legislative Action)

(This Abridged Index includes all active rulemakings.)

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

02.01.03, Airborne Control of Unprotected or Predatory Animals Rules

02-0103-2501 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

02.01.05, Rules Governing Certificates of Free Sale

02-0105-2501 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

02.01.08, Rules Governing Grizzly Bear and Wolf Depredation

02-0108-2501 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 25-10

02-0108-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking (New Chapter), Bulletin Vol. 25-5

02-0108-2401 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 11-12-24)T

02-0108-2401 Adoption of Temporary Rule, Bulletin Vol. 24-12 (eff. 11-12-24)T

02.02.05, Rules Governing Stone Fruit Grades

02-0205-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0205-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.02.07, Rules Governing Bulk Permits and Retail Sale of Potatoes

02-0207-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0207-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.02.11, Rules Governing Eggs and Egg Products

02-0211-2501 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

02.02.14, Rules for Weights and Measures

02-0214-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0214-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.03.03, Rules Governing Pesticide and Chemigation Use and Application

02-0303-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02-0303-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

02.04.20, Rules Governing Brucellosis

02-0420-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0420-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.04.24, Rules Governing Tuberculosis

02-0424-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0424-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.04.26, Rules Governing the Public Exchange of Livestock

02-0426-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0426-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.06.01, Rules Governing the Production and Distribution of Seed

02-0601-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

02-0601-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

02.06.02, Rules Governing Registrations and Licenses

02-0602-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02.06.06, Rules Governing the Planting of Beans

02-0606-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

02-0606-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

02.06.09, Rules Governing Invasive Species and Noxious Weeds

02-0609-2501 Adoption of Temporary Rule, Bulletin Vol. 25-10 (eff. 9-29-25)T

02-0609-2406 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 11-9-24)T

[02-0609-2406](#) Adoption of Temporary Rule, Bulletin Vol. 24-12 (eff. 11-9-24)T [*superseded*]

[02-0609-2405](#) Adoption of Temporary Rule, Bulletin Vol. 24-11 (eff. 10-7-24)T [*superseded*]

[02-0609-2404](#) Adoption of Temporary Rule, Bulletin Vol. 24-10 (eff. 9-26-24)T [*superseded*]

[02-0609-2403](#) Adoption of Temporary Rule, Bulletin Vol. 24-8 (eff. 6-28-24)T [*superseded*]

[02-0609-2401](#) Adoption of Temporary Rule, Bulletin Vol. 24-4 (eff. *sine die* 2024)T [*superseded*]

02.06.33, Organic Food Products Rules

[02-0633-2501](#) Notice of Proposed Rulemaking, Bulletin Vol. 25-10

[02-0633-2501](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

02.07.01, Rules of the Idaho Hop Growers' Commission

[02-0701-2501](#) Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10

[02-0701-2501](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 08 – IDAHO STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION

08.01.13, Rules Governing the Opportunity Scholarship Program

[08-0113-2501](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6 (rulemaking terminated by agency)

08.01.15, Rules Governing the Firearms Safety Grant Program

[08-0115-2401](#) Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 24-6

08.02.02, Rules Governing Uniformity

[08-0202-2501](#) Notice of Proposed Rulemaking, Bulletin Vol. 25-10

[08-0202-2501](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

08.02.03, Rules Governing Thoroughness

[08-0203-2503](#) Adoption of Temporary Rule, Bulletin Vol. 25-10 (eff. 8-20-25)T

[08-0203-2502](#) Notice of Proposed Rulemaking, Bulletin Vol. 25-10

[08-0203-2502](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

[08-0203-2501](#) Notice of Proposed Rulemaking, Bulletin Vol. 25-10

[08-0203-2501](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

08.02.05, Rules Governing Pay for Success Contracting

[08-0205-2501](#) Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10

[08-0205-2501](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

IDAPA 09 – IDAHO DEPARTMENT OF LABOR

09.05.03, Rules for Determining Bargaining Representatives

[09-0503-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

IDAPA 11 – IDAHO STATE POLICE

Alcohol Beverage Control Bureau

11.05.01, Rules Governing Alcohol Beverage Control

[11-0501-2501](#) Notice of Proposed Rulemaking, Bulletin Vol. 25-10

[11-0501-2501](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-7

11.06.01, Rules Governing Civil Asset Forfeiture Reporting

- 11-0601-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-10 (PLR 2026)
11-0601-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-0601-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

11.10.01, Rules Governing Idaho Public Safety and Security Information System

- 11-1001-2501** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-1001-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

11.10.02, Rules Governing State Criminal History Records and Crime Information

- 11-1002-2501** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-10 (PLR 2026)
11-1002-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-1002-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

11.10.03, Rules Governing the Sex Offender Registry

- 11-1003-2501** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8
11-1003-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-6

IDAPA 13 – IDAHO FISH AND GAME COMMISSION**Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho**

- 13-0000-2500P5** Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-8
13-0000-2500P4 Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-7
13-0000-2500P3 Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-6
13-0000-2500P2 Notice of Adopted / Amended Proclamations for Calendar Year 2025, Bulletin Vol. 25-5
13-0000-2500P1 Notice of Adoption of Proclamation for Calendar Year 2025, Bulletin Vol. 25-2

13.01.03, Public Use of Lands Owned or Controlled by the Department of Fish and Game

- 13-0103-2501** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0103-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

13.01.04, Rules Governing Licensing

- 13-0104-2501** Adoption of Temporary Rule, Bulletin Vol. 25-6 (eff. 5-22-25)T

13-0104-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0104-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.08, Rules Governing Taking of Big Game Animals

- 13-0108-2501** Adoption of Temporary Rule, Bulletin Vol. 25-5 (eff. 4-15-25)T

13-0108-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0108-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.16, Trapping of Wildlife and Taking of Furbearing Animals

- 13-0116-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0116-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.17, Rules Governing Use of Bait for Hunting Big Game Animals

- 13-0117-2401** Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10
13-0117-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.19, Rules for Selecting, Operating, Discontinuing, and Suspending Vendors

- 13-0119-2501** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
13-0119-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 15 – OFFICE OF THE GOVERNOR**Executive Orders of the Governor**

- Executive Order No. **2025-05** The Idaho Act, Bulletin Vol. 25-9
 Executive Order No. **2025-04** Make Forests Healthy Again Act, Bulletin Vol. 25-5
 Executive Order No. **2025-03** Border Security and Immigration Enforcement Act, Bulletin Vol. 25-3

Executive Order No. **2025-02** Idaho Strategic Permitting, Efficiency and Economic Development (SPEED) Act, Bulletin Vol. 25-2
Executive Order No. **2025-01** Gone With the Lava Ridge Wind Project Act, Bulletin Vol. 25-2

Idaho Commission On Aging***15.01.01, Rules Governing Senior Services and Older Americans Act Programs***

15-0101-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10
15-0101-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

15.01.03, Rules Governing Ombudsman for the Elderly Program

15-0103-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

15.01.20, Rules Governing Area Agency on Aging (AAA) Operations

15-0120-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-10
15-0120-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

Idaho Commission for the Blind and Visually Impaired***15.02.30, Business Enterprise Program***

15-0230-2401 Notice of Public Hearing and Extension of Written Comment Period, Bulletin Vol. 25-9
15-0230-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-11
15-0230-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-9

Idaho Forest Products Commission***15.03.01, Rules of Administrative Procedure of the Idaho Forest Products Commission***

15-0301-2501 Notice of Intent to Promulgate Rules–Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4 (terminated)

Idaho Military Division***– Idaho Public Safety Communications Commission******15.06.01, Rules Governing the Idaho Public Safety Communications Commission***

15-0601-2501 Notice of Temporary and Proposed Rule, Bulletin Vol. 25-5 (eff. 5-1-25)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE***16.02.10, Idaho Reportable Diseases***

16-0210-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
16-0210-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6
16-0210-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.02.27, Idaho Radiation Control Rules

16-0227-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)
16-0227-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6
16-0227-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.03.08, Temporary Assistance for Families in Idaho (TAFI) Program

16-0308-2501 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-10 (PLR 2026)
16-0308-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-7
16-0308-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.03.08, Federal Welfare Programs

16-0308-2502 Adoption of Pending Rule (ZBR New Chapter), Bulletin Vol. 25-10 (PLR 2026)
16-0308-2502 Notice of Proposed Rulemaking (ZBR New Chapter), Bulletin Vol. 25-7

(Rule Revoked) 16.03.10, Medicaid Enhanced Plan Benefits

16-0000-2500 Notice of Omnibus Rulemaking – Revocation of Final Rules – Certain provisions rendered null and void pertaining to IDAPA chapter 16.03.10 – Bulletin Vol. 25-7

16-0310-2501* Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

**Negotiations terminated under this docket and moved under docket 16-0326-2501*

16.03.13, Consumer-Directed Services

16-0313-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-9

16.03.21, Developmental Disabilities Agencies (DDA)

16-0321-2501* Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)

**Changes chapter name from: “Developmental Disabilities Agencies (DDA)”*

16-0321-2501* Notice of Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 25-6

16.03.22, Residential Assisted Living Facilities

16-0322-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)

16-0322-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6

16-0322-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.03.26, Medicaid Plan Benefits

16-0326-2501 Notice of Temporary and Proposed Rule (New Chapter), Bulletin Vol. 25-6 (eff. 7-1-25)T

16.04.14, Low-Income Home Energy Assistance Program (LIHEAP)

16-0414-2501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)

16-0414-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-7

16.04.17, Residential Habilitation Agencies

16-0417-2501 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)

16-0417-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-6

16-0417-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.05.01, Use and Disclosure of Department Records

16-0501-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)

16-0501-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-6

16-0501-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.06.02, Foster Care Licensing

16-0602-2501 Adoption of Pending Rule, Bulletin Vol. 25-9 (PLR 2026)

16-0602-2501 Notice of Temporary and Proposed Rule, Bulletin Vol. 25-7 (eff. 7-1-25)T

16.06.03, Daycare Licensing

16-0603-2501* Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 25-9 (PLR 2026)

**Renames chapter from: “Daycare Licensing”*

16-0603-2501* Notice of Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 25-7

16.06.12, Idaho Child Care Program (ICCP)

16-0612-2501 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)

16-0612-2501 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 25-7

16-0612-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

16.06.13, Emergency Assistance for Families and Children

16-0613-2501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 25-9 (PLR 2026)

16-0613-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-7

IDAPA 18 – DEPARTMENT OF INSURANCE

18-ZBRR-2501 Rules of the Idaho Department of Insurance – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapters 05, 06, 11-15; & Title 06, Chapter 05 – Bulletin Vol. 25-5

18.03.03, Variable Contracts

18-ZBRR-2401 Rules of the Idaho Department of Insurance – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 03 – Bulletin Vol. 24-7

18.03.04, Replacement of Life Insurance and Annuities

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 04 – Bulletin Vol. 24-7

18.04.03, Advertisement of Disability (Accident and Sickness) Insurance

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 03 – Bulletin Vol. 24-7

18.04.05, Self-Funded Health Care Plans Rule

18-0405-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 05 – Bulletin Vol. 25-5

18.04.06, Governmental Self-Funded Employee Health Care Plans Rule

18-0406-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 06 – Bulletin Vol. 25-5

18.04.11, Long-Term Care Insurance Minimum Standards

18-0411-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 11 – Bulletin Vol. 25-5

18.04.12, The Small Employer Health Insurance and Availability Act

18-0412-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 12 – Bulletin Vol. 25-5

18.04.13, The Individual Health Insurance Availability Act

18-0413-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 13 – Bulletin Vol. 25-5

18.04.14, Coordination of Benefits

18-0414-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 14 – Bulletin Vol. 25-5

18.04.15, Rules Governing Short-Term Health Insurance Coverage

18-0415-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 15 – Bulletin Vol. 25-5

18-0415-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7

18.06.05, Managing General Agents

18-0605-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

18-ZBRR-2501 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 05 – Bulletin Vol. 25-5

18.07.04, Annual Financial Reporting

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 04 – Bulletin Vol. 24-7

18.07.05, Director's Authority for Companies Deemed to be in Hazardous Financial Condition

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 05 – Bulletin Vol. 24-7

IDAPA 20 – DEPARTMENT OF LANDS

20.03.02, Rules Governing Mined Land Reclamation

20-0302-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

20-0302-2401 (2nd) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

20-0302-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

20.03.04, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho

20-0304-2401* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

**Renames chapter from: “Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho”*

20-0304-2401 (2nd) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

20-0304-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

20.03.08, Easements on State Owned Lands

20-0308-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

20-0308-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

IDAPA 21 – DIVISION OF VETERANS SERVICES

21.01.01, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure

21-0101-2501 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 25-8 (PLR 2026)

21-0101-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-7

21-0101-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.02.01, Rules of the State Athletic Commission

24-0201-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-0201-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals

24-0501-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-0501-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

24-0601-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-0601-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.09.01, Rules of the Board of Examiners of Nursing Home Administrators

24-0901-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-10

24.13.01, Rules Governing the Physical Therapy Licensure Board

24-1301-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-1301-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.17.01, Rules of the State Board of Acupuncture

24-1701-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-1701-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.19.01, Rules of the Board of Examiners of Residential Care Facility Administrators

24-1901-2501 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 25-10

24.21.01, Rules of the Idaho State Contractors Board

24-2101-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-2101-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.22.01, Rules of the Idaho State Liquefied Petroleum Gas Safety Board

24-2201-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-2201-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.23.01, Rules of the Speech, Hearing and Communication Services Licensure Board

24-2301-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-2301-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.26.01, Rules of the Idaho Board of Midwifery

24-2601-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T

24-2601-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.28.01, Rules of the Barber and Cosmetology Services Licensing Board

24-2801-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-10

24-2801-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-5

24.31.01, Rules of the Idaho State Board of Dentistry

24-3101-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T

24-3101-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.32.01, Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

24-3201-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

24-3201-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.34.01, Rules of the Idaho Board of Nursing

24-3401-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T

24-3401-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.35.01, Rules of the Outfitters and Guides Licensing Board

24-3501-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

24-3501-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24.38.01, Rules of the State of Idaho Board of Veterinary Medicine

24-3801-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T

24-3801-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.39.30, Rules of Building Safety (Building Code Rules)

24-3930-2502 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

24-3930-2502 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

24-3930-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T

24-3930-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.39.31, Rules for Factory Built Structures

24-3931-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T

24-3931-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.39.50, Rules of the Public Works Contractors License Board

24-3950-2501 OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 25-7 (eff. 1-1-25)T

24-3950-2501 Adoption of Temporary Rule, Bulletin Vol. 25-1 (eff. 1-1-25)T

24.41.01, Rules of the Long-Term Care Administrators Board

24-4101-2501 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 25-10

24-4101-2501 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 25-8

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

26-0120-2501 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 25-9

26-0120-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

26.01.21, Rules Governing Leasing Practices & Procedures for Recreational Residences Within Heyburn State Park

26-0121-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 25-5 (terminated)

IDAPA 28 – DEPARTMENT OF COMMERCE

28.02.03, Department of Commerce Grant Program Rules

28-0203-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

28-0203-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

28.04.01, Rules Governing the Idaho Reimbursement Incentive Act

28-0401-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-7

IDAPA 31 – PUBLIC UTILITIES COMMISSION

31.27.01, Rules Governing Pole Attachments

31-2701-2501 Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 25-10

31-2701-2501 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 25-8

IDAPA 34 – SECRETARY OF STATE

34.03.01, Rules Implementing the Sunshine Law

34-0301-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-6

IDAPA 35 – STATE TAX COMMISSION

35.01.02, Idaho Sales and Use Tax Administrative Rules

35-0102-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

35-0102-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

35.01.06, Hotel/Motel Room and Campground Sales Tax Administrative Rules

35-0106-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

35-0106-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

37.02.04, Shoshone-Bannock Tribal Water Supply Bank Rules

37-0204-2501* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

**Renames chapter from: “Shoshone-Bannock Tribal Water Supply Bank Rules”*

37-0204-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

37.03.07, Stream Channel Alteration Rules

37-0307-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

37-0307-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

37.03.12, Idaho Department of Water Resources Water Distribution Rules - Water District 34

37-0312-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

37-0312-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION

38.04.04, Rules Governing Capitol Mall Parking

38-0404-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

38-0404-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39-ZBRR-2501 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 60; and Title 03, Chapter 49 – Bulletin Vol. 25-5

39.02.60, Rules Governing License Plate Provisions

39-0260-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

39-ZBRR-2501 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 60 – Bulletin Vol. 25-5

39.03.49, Rules Governing Ignition Interlock Breath Alcohol Devices

39-0349-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-10

39-ZBRR-2501 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 49 – Bulletin Vol. 25-5

IDAPA 42 – IDAHO WHEAT COMMISSION

42.01.01, Rules of the Idaho Wheat Commission

42-0101-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

IDAPA 52 – IDAHO STATE LOTTERY COMMISSION

52.01.03, Rules Governing Operations of the Idaho State Lottery

52-0103-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

52-0103-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-5

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03, Rules of Career Technical Centers

55-0103-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

55-0103-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01, Rules of the Sexual Offender Management Board

57-0101-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

57-0101-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-4

57-0101-2502 Adoption of Temporary Rule, Bulletin Vol. 25-4 (eff. 2-14-25)T

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

TMDLs:

58-0000-2501 Notice of Final Decision, Willow Creek 2024 Total Maximum Daily Loads (TMDLs) (HUC 17040205), Bulletin Vol. 25-4

58.01.01, Rules for the Control of Air Pollution in Idaho

58-0101-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-9

58.01.02, Water Quality Standards

58-0102-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-7

58.01.05, Rules and Standards for Hazardous Waste

58-0105-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-8

58.01.06, Solid Waste Management Rules

58-0106-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-8

58-0106-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

58.01.08, Idaho Rules for Public Drinking Water Systems

58-0108-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-9

58-0108-2502 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

58-0108-2502 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-8

58.01.11, Ground Water Quality Rule

58-0111-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

58-0111-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

58.01.12, Rules for Administration of Wastewater and Drinking Water Loan Funds

58-0112-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

58-0112-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-4

58.01.13, Rules for Ore Processing by Cyanidation

58-0113-2501 Notice of Temporary and Proposed Rule, Bulletin Vol. 25-7 (eff. 7-1-25)T

58.01.16, Wastewater Rules

58-0116-2501 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 25-9

58-0116-2501 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 25-3

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

62.01.01, Idaho Rules of Administrative Procedure

62-0101-2501 Notice of Proposed Rulemaking, Bulletin Vol. 25-10

62-0101-2501 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 25-6

Subject Index

- A**
- Abbreviations 34, 94, 268, 458
 - APA 458
 - APHIS, Animal Plant Health Inspection Service 94
 - AVIC, Area Veterinarian in Charge 94
 - BMP 268
 - CCT, Comparative Cervical Tuberculin Test 94
 - CFR, Code of Federal Regulations 94
 - DEQ 268
 - IPDES 268
 - ISDA, Idaho State Department of Agriculture 34
 - NGL, No Gross Lesion(s) 94
 - NIST, National Institute of Standards & Technology 34
 - NVSL, National Veterinary Services Laboratories 94
 - PCSOT 458
 - SOCB 458
 - SOMB 458
 - SWPPP 269
 - U.S.C. 269
 - UMR, Uniform Methods & Rules 94
 - USDA, United States Department of Agriculture 94
 - VS, Veterinary Services 94
 - Abbreviations, IDAPA 02.04.20 77
 - APHIS 77
 - AVIC 77
 - CFR 77
 - DSA 77
 - MCI 77
 - UM&R 77
 - USDA 77
 - VS 77
 - Abbreviations, Subchapter A 103
 - APHIS, Animal & Plant Health Inspection Service 103
 - AVIC, Area Veterinarian In Charge 103
 - CAFO, Concentrated Animal Feeding Operation 103
 - CFR, Code of Federal Regulations 103
 - NAIS, National Animal Identification System 103
 - USDA, United States Department of Agriculture 103
 - VS, Veterinary Services 104
 - Accounting For Water Delivery 430
 - Active Vendor Ceiling 248
 - Additional Services/Charges 151
 - Administration 269
 - Administrator Approval 86, 99, 106, 109
 - Adequate Facilities 109
 - Adequate Records 86, 99, 109
 - Adequate Resources 86, 99
 - Cattle Secured 86, 99
 - Past History 86, 99, 109
 - Admission Fee At Quarters Where Combatant Trains 305
 - Fee 305
 - Adverse Inference 474
 - Advertising Packages For Sale, Weights & Measures 51
 - Allocation Of Natural Flow 427
 - Administration Of Surface Water Rights 427
 - Assessment of Evaporation & Conveyance Losses to Impounded Water 428
 - Canal or Lateral Delivery 429
 - Diversion of Additional Flows 429
 - Initiation & Duration of Surface Water Allocation for Irrigation 428
 - Mackay Dam Minimum By-Pass 429
 - Notice to Initiate Delivery 429
 - Rotation Credit 427
 - Alternative Plates 441
 - Amending An Approved Permanent Closure Plan 281
 - Adjustment 282
 - Cause for Permanent Closure Plan Amendment 281
 - Modification at Request of Department 282
 - Modifications at an Operator's Request 282
 - Amending An Approved Reclamation Plan 281
 - Cause for Reclamation Plan Amendment 281
 - Minor Amendments 281
 - Review of Amendment 281
 - Annual Bluegrass Regulated Area 139
 - Annual License Period 34
 - Appearance At Hearing 473
 - Appendix A, Riprap Gradation 406
 - Appendix B, (Continued), Toe Protection 409
 - Appendix C, Toe Protection 408
 - Appendix D, Protection Against Undermining 410
 - Appendix E 411
 - Appendix F, Rock Drop Structure Details 414
 - Appendix G, Sill Details 415
 - Appendix H, Barb Details 415
 - Appendix I, Downstream Control Structure 417
 - Appendix I, Swimming Capability of Migrating Salmon & Trout 416
 - Appendix J, Culvert Backfill Using Sandy or Silty Material 418, 419
 - Appendix K, Launch Ramp 419
 - Appendix L, Concrete Plank, Boat Ramp 420
 - Appendix M, Concrete Launch Plank Detail 420
 - Appendix N, Concrete Launch-Plan View, Boat Launch 421
 - Appendix O, Concrete Launch-Cross-Section 421
 - Applicability 77, 94
 - Applicability, Subchapter A 104
 - Application 246
 - Applicant 247
 - Department Review 246
 - Form 246
 - Application Fees 270
 - Additional Fees for Applications Submitted Under Section 069 271
 - Alternative Fee Agreement for Applications Submitted Under Section 070 271
 - Base Application Fees 270
 - Application For Approved Livestock Trader Lot Status 109
 - Application For Designation As An Approved Feedlot 99
 - Application For Designation As An Idaho Approved Buying Station 106
 - Application For Designation As Idaho Approved Feedlots 86
 - Application For Nursery Inspection 140
 - Application Form 28
 - Application Of Tolerances 22
 - Application Procedure & Requirements For Other Mining Operations Including Hardrock, Underground & Phosphate Mining 273
 - Application Package 273
 - Map Requirements 273
 - Monitoring Data 275
 - Operating Plan Requirements 275
 - Reclamation Plan Approval Required 273
 - Reclamation Plan Requirements 273
 - Application Procedure & Requirements For Permanent Closure Of Cyanidation Facilities 275
 - Application Fee 277
 - Application Package for Permanent Closure 276
 - Permanent Closure Plan Approval Required 275
 - Permanent Closure Plan Requirements 275
 - Preapplication Conference 276
 - Application Procedure & Requirements For Quarries, Decorative Stone, Building Stone, & Aggregate Materials Including Sand, Gravel & Crushed Rock 271
 - Application Package 271
 - Approval Required 271
 - Map Requirements 272
 - No Operator Shall Conduct Mining Operations 271

Reclamation Plan
Requirements 272
Application Review 394
Prior to Issuance of Permit 394
Proposed Alteration Which Does
Not Follow Minimum
Standards 394
Applications 393
Alteration of Stream Channels
Permit Required 393
Applicant Following Minimum
Standards 393
Joint Application Permit
Form 393
Submission of Copies 394
Appointment Of Hearing Officers 470
Office of Administrative
Hearings 470
Other Hearing Officers 470
Apportionment of Deer & Elk
Tags 203
Approval 394
Conformance to Application 394
Permits Allowed Without
Review 395
Reinstatement of Expired
Permit 395
Approved 102
Approved Buying Station Number 106
Approved Buying Stations 105
Approved Feedlot Number 86, 99
Approved Forms Of
Identification 105, 109, 115
Administrator Approval 105, 109,
115
Brand Inspection 105, 109, 115
Ear Tag 115
Official USDA Ear Tag 105, 109
Registration Tattoo 105, 109, 115
Removal of Identification 115
Removal of Official
Identification 105, 109
USDA Approved Official
Identification 105, 109, 115
Approved Livestock Trader Lot
Number 109
Approved Livestock Trader Lots 108
Cattle Are Received 108
Sold to Individuals 108
Apricots 23
Archery & Muzzleloader Permits 195,
217
Areas Closed To Hunting Of Big Game
Animals 233
Black Bear, Grizzly Bear, & Gray
Wolves 233
Mountain Lions & Gray
Wolves 233
Assignment Of Approved Plans 293
Permanent Closure Plans 293
Reclamation Plans 293
Assignments Of Tribal Stored Water To
The Bank
Assignment Forms 388

Space Assignment 388
Term of Assignment 388
Assignments Of Tribal Stored Water To
The Bank Rental Pool 388
Assignments of Stored Water 388
Control of Assigned Water 388
Return of Unrented Water 388
Authorization Number Pending Receipt
of License 190
Authorization Number 190
Authorization Number Only
Eligible for Certain
Activities 191
Authorization Number Used in
Lieu of License 190
Violation 191
Availability Of Outfitting
Opportunities 343
Application Period &
Consideration 343
Notification 343
Placement on Waiting List 343
Waiting List 343

B

Bag & Possession Limits 216
Depredation Hunts 217
Extra Tag Hunts 217
Limits on Take -- Deer, Elk,
Pronghorn, Mountain Lion,
Black Bear, Gray Wolf 217
Baiting Permit 236
Baiting Permit 236
Use of Baiting Permit 236
Best Management Practices &
Reclamation For Mining Operation &
Permanent Closure Of Cyanidation
Facilities 294
Backfilling & Grading 296
Clearing & Grubbing 294
Disposal of Waste in Areas Other
Than Mine Excavation 296
Nonpoint Source Control 294
Overburden/Topsoil 295
Permanent Cessation & Time
Limits for Planting 297
Petroleum-Based Products &
Chemicals 299
Revegetation Activities 298
Roads 295
Sediment Control 294
Settling Ponds 296
Tailings Ponds 297
Bighorn Sheep Auction Tag 208
Application of Big Game
Rules 209
Eligibility 208
License & Controlled Hunt
Tag 208
Validity of Tag 208
Bighorn Sheep Lottery Tag 209
Application of Big Game
Rules 210
Eligibility 209

Tag 210
Validity of Tag 210
Biodiesel 53
Documentation For Dispenser
Labeling Purposes 53
Exemption 53
Identification of Product 53
Labeling of Retail Dispensers 53
Bioengineering 400
Construction Materials 400
Endpoint Protection 400
Toe Protection 400
Vegetation 400
Biological Sample Collection 233
Bio-Security Plan 114
Diagnosis 114
Disposition 114
Infectious Animals 114
Records 115
Bread, Weights & Measures 55
Brucellosis Emergency 80
Brucellosis in Adjacent Area 80
Brucellosis in Idaho 80
Infected Herd(s) to be Condemned
& Depopulated 80
Brucellosis Eradication Areas 83
Circumstances Under Which
Testing Is Required 84
Discontinuance of Eradication
Area 84
Test Exemptions 84
Brucellosis Indemnity 80
Claims Not Allowed 81
Animals Sold for Slaughter 81
Attempt to Improperly Obtain
Funds 81
Calves 81
Failure to Comply 81
Illegal Imports 81
Neutered Animals 81
Premises Not Cleaned 81
Unapproved Test 81
Unidentified Cattle & Domestic
Bison 81
Untested Animals 81
Indemnity Payments 80
Other Costs 81
Reactors That Die 80
Time Limit for Slaughter 80
Brucellosis Testing
Dairy Herds 80
Duty to Restrain 79
Interstate Movement 80
Records of Tests 79
Bulk Lots Labeled Not For Sale --
Removal Thereof, Potatoes 28
Buying Licenses For Others 189
Buying Station Records 107
Buying Station Records Retention 107
Buying Stations, Cattle Subject To
Quarantine 107

C

Cattle, Bison, Goats, & Domestic

- Cervidae Market Release 98
- Certificate Holders Residing Out-Of-State 190
 - Effect of Subsequent Change in Residency 190
 - Validity 190
- Certificate Non-Transferable 190
- Certification Fees 150
- Certification Inspection Fees 151
- Certification Process 445
 - Criteria for Certification and/or Revocation 446
 - Equipment Standards 445
 - Hold Harmless 446
 - Manufacturer's Reporting Requirements 446
 - Notice of Revocation 446
 - Proof of Insurance 445
 - Removal of Revoked Devices 446
 - Repository for Letter of Certification 447
 - Right to Appeal 447
- Certification Requirements & Fees 150
- CFT, Caudal-Fold Tuberculin Test 94
- Charges For Special Request Testing Or Examination 36
 - Fee Collection 36
 - Mileage Charges 36
 - Personnel Charges 36
- Chemigator Licensing 67
 - Applying for a Chemigator License 67
 - Chemigator License Required 67
 - License Periods 67
- Children With Special Needs Big Game Tag 211
 - Application 212
 - Availability 211
 - Companion 212
 - Eligibility 212
 - Fees 212
 - Nonresident Tag Limitation 212
 - Random Draw 212
 - Validity of Tag 212
- Classification And Disposition Of Cattle, Bison, & Domestic Cervidae 98
- Cleaning & Disinfecting 78, 95
 - Exemptions 78, 96
 - Extension of Time 79, 96
 - Infected Animals 78
 - Infected Premises 96
- Code Of Ethics For Idaho Professional Educators 163
 - Aspirations & Commitments 164
 - Principle I - Professional Conduct 164
 - Principle II - Educator/Student Relationship 164
 - Principle III - Alcohol & Drugs Use or Possession 165
 - Principle IV - Professional Integrity 165
 - Principle IX - Duty to Report 167
 - Principle V - Funds & Property 166
 - Principle VI - Compensation 166
 - Principle VII - Confidentiality 166
 - Principle VIII - Breach of Contract or Abandonment of Employment 167
 - Principle X - Professionalism 167
- Combatant 304
 - Additional Examination 305
 - Age of Combatant 304
 - Blood Testing 305
 - Blood Testing & Drug Test Results 305
 - Drug Abuse 305
- Commercial Feed 143
- Common Season Boundaries For Streams & Rivers 243
- Compensation Matrix for Depredated Livestock 16
 - Claims 16
 - Compensation Valuation 16
- Completion Of Permanent Closure 283
 - Implementation of a Permanent Closure Plan 284
 - Review of a Permanent Closure Report 284
 - Submittal of a Permanent Closure Report 284
- Compliance Of Existing Reclamation Plans 301
 - Plans Approved Prior to 2019 302
 - Plans Submitted in 2019 302
- Compliance Or Non-Compliance Certificate, Potatoes 28
- Computation Of Time 301
- Concrete Plank Boat Launch Ramps 405
 - Assembly of Planks 405
 - Construction of Boat Ramp 405
 - Construction of Concrete Plank Boat Launch Ramps 405
 - Construction of Concrete Planks 405
 - Water Depth 405
- Condition Defects, Sweet Cherries 23
- Conflict Prevention Program 17
- Constitutional Challenges To Statutes and Rules 470
- Construction Procedures 396
 - Conformance to Procedures 396
 - Construction Methods 396
 - Disposal of Removed Materials 396
 - Fill Material 397
 - Limitations on Construction Period 397
 - Minimizing Disturbance of Area 396
 - New Cut or Fill Slopes 397
 - Operation of Construction Equipment 396
 - Temporary Structures 396
- Content Of Records 105
 - Address of Previous Location 105
 - Buying Stations
 - Address of Previous Location 107
 - Approved Slaughter Establishment Destination 107
 - Date of Entry to Buying Station 107
 - Date of Shipment to Slaughter 107
 - Dead Animals 107
 - Death Loss 107
 - Individual Identification 107
 - Owner Name, Telephone Number, & Address 107
 - Date of Sale 105
 - Death Loss 105
 - Identification 105
 - Name, Telephone Number, & Address of the Purchaser of Cattle 105
 - Owner Name, Telephone Number, & Address 105
 - The Date of Purchase 105
- Content Of Records For Approved Feedlots 86
 - Animals Received 86
 - Animals Removed from Feedlot 86
 - Death Loss 86
 - Requirements 86
- Content Of Records For Approved Livestock Trader Lots 110
 - Address of Previous Location 110
 - Date of Shipment Out of the Livestock Trader Lot 110
 - Dead Animals 110
 - Death Loss 110
 - Identification 110
 - Name, Telephone Number, & Address of Shipment Destination 110
 - Owner Name, Telephone Number, & Address 110
 - Regulatory Requirements 110
 - The Date of Entry 110
- Continuance In Lieu Of Default 473
- Continuing Education For Post Conviction Sexual Offender Polygraph Examiners 459
- Continuing Education For Psychosexual Evaluators & Sexual Offender Treatment Providers 458
 - Provisional/Supervised Certification Level 459
 - Senior/Approved & Associate/Supervised Certification Levels 458
- Continuing Education Requirements 319, 370
 - Board Approval 319
 - Credit for Teaching or

- Supervision 319
- Educational Requirements 370
- Renewal of License 370
- Waiver 370
- Contract Agreement Violations 248
 - Intent to Suspend 248
 - Notices of Contract Violations 248
- Contract To Take License Applications
 - By Telephone Or Other Electronic Methods 251
- Controlled Hunt Applications 197, 220
 - Applicant Requirements 198, 220
 - Application Periods and Tag Claim Deadlines 197
 - Applications 198, 220
 - Controlled Hunt Drawing 221
 - Deadline for Claiming Tags and Unclaimed Tags 198
 - Group Application 198, 221
 - Hunt Choice Drawing 199
 - Landowner Permission Controlled Hunts 198
 - Sale of Remaining Tags 221
 - Second Drawing Exclusion 199, 221
 - Unlimited Controlled Hunts 198, 221
- Credit Card Fees 251
- Culverts & Bridges 401
 - Areas to be Filled 403
 - Construction of Crossings 403
 - Culverts & Bridges 401
 - Fish Passage 402
 - Ideal Gradient, Culverts & Bridges 401
 - Installation of Pipe & Arch Culvert 403
 - Location of Culverts & Bridges 401
 - Multiple Openings 403
 - Size of Culvert or Bridge Opening 401
- D**
- Dead Animal Disposal 104, 113
- Deadline For Claiming Tags & Unclaimed Tags 221
- Decision To Approve Or Disapprove Of A Permanent Closure Report 284
 - Permanent Closure Report Is Disapproved 284
 - Receipt of a Permanent Closure Report 284
- Declaration Of Quantity - Consumer Packages 37
 - Abbreviations 38
 - Combination Declaration 37
 - Largest Whole Unit 37
 - Lines of Print or Type 37
 - Net Quantity 37
 - Terms - Weight, Liquid Measures, or Count 37
 - Units -- Weight, Measure 38
- Units With Two or More Meanings 38
- Use of Net Weight 37
- Declaration Of Quantity --
 - Nonconsumer Packages 41
 - Abbreviations 42
 - Character of Declaration -- Average 42
 - Location 41
 - Terms -- Weight, Liquid Measure, or Count 41
 - Units -- Weight, Measure 42
- Deer & Elk Allocated Tags 205
 - Distribution of Allocated Tags 205
- Deer & Elk Outfitter Allocated Tag Designated Buyers 205
- Unsold Tags 205
- Deer & Elk Tag Allocation
 - Tags for Capped Hunt Units of Zones 203
 - Tags for Controlled Hunts 203
 - Tags for NRL Hunts 204
- Deer & Elk Tag Allocation In General
 - Hunts Limited For Nonresidents Only 204
 - Initial Tag Use Number 204
 - Tag Allocation 204
- Defaced Or Altered Licenses Invalid 190
- Default 472
 - Notices to Defaulting Party 472
 - Procedure After Default 472
 - Procedure if No Petition to Vacate is Filed 472
 - Procedure Upon Filing of a Petition to Vacate 472
- Definitions 15, 19, 216, 266, 308, 331, 368, 380, 432, 456, 468
 - Act 266
 - Adit 266
 - Agency 468
 - Application 380
 - Approximate Previous Contour 266
 - Attaching Entity 380
 - Authorized Employees 432
 - Bait (Hunting) 216
 - Best Management Practices (BMP) 266
 - Board 456
 - Central Roster 456
 - Certificate Holder 456
 - Certified Evaluator 456
 - Certified Post Conviction Sex Offender Polygraph Examiner 456
 - Certified Treatment Provider 457
 - Chapter 266
 - Clean 19, 331
 - Client 457
 - Coarse & Durable Rock Armor 266
 - Commission 380
- Confirmed 15
- Coordination Between Attaching Entities 380
- Damage 19
- Department 266
- Depredation 15
- Diameter 19
- Discharge 266
- Disinfect 331
- Disinfectant 331
- Established Roadway 216
- Established Standards 457
- Exempt License Plate 432
- Exempt Personalized License Plate 432
- First-Aid Kit 331
- Front Quarters, Hind Quarters, Loins, & Tenderloins 216
- Full-sized Automobile 216
- Furtherance or Pursuance of Business 432
- Ground Water 266
- Hunter 216
- Interlocutory order 468
- Land Application 267
- Leased or Rented Vehicles 432
- Long-Term Care Administrator 368
- Make-Ready Work 380
- Material Change 267
- Material Modification or Material Expansion 267
- Material Stabilization 267
- Mature 19
- Mobile Establishment 331
- Motorized Earth-Moving Equipment 267
- Motorized Vehicle 216
- Negative/Unknown Finding 15
- Neutralization 267
- Operating Plan 267
- Permanent Closure 267
- Permanent Defects 19
- Permit 267, 380
- Physical Field Examination 15
- Pole 380
- Pole Owner 380
- Pollutant 268
- Post Conviction Sexual Offender Testing (PCSOT) 457
- Presiding Officer 468
- Probable 15
- Process Waters 268
- Producer 15
- Provisional/Supervised Psychosocial Evaluator 457
- Provisional/Supervised Sex Offender Treatment Provider 457
- Psychosocial Evaluation 457
- Quality Assurance 457
- Real Property 268
- Reclamation 268
- Reclamation Plan 268

- Revegetation 268
Serious Damage 20
Service or Serving 468
Sexual Offender 457
Sexual Offender Classification
 Board (SOCB) 457
Shaft 268
Similar Varietal
 Characteristics 20
Single-Use 331
State Authorized Investigator 15
Sterilant 331
Sterilize 331
Supervision 457
Surface Waters 268
The Agencies 16
Treatment 268, 458
Unauthorized Attachment 381
Undercover License Plate 432
Vehicles Not Held in Stock 432
Vehicles Sold 432
Verifier 216
Violent Sexual Predator 458
Water Balance 268
Water Management Plan 268
Waters of the State 268
Definitions, IDAPA 02.02.14 32
 Alcohol 32
 Biodiesel 32
 Biodiesel Blends 32
 Certificate of Conformance 32
 Commercial Weighing & 32
 Compressed Natural Gas
 (CNG) 32
 Co-Solvent 32
 Diesel Gallon Equivalent
 (DGE) 32
 Ethanol 32
 Gasoline 32
 Gasoline Gallon Equivalent
 (GGE) 32
 Gasoline Liter Equivalent
 (GLE) 32
 Gasoline-Oxygenate Blend 33
 Label 33
 Liquefied Natural Gas (LNG) 33
 Methanol 33
 Motor Vehicles 33
 Multi-Unit Package 33
 National Type Evaluation
 Program 33
 Package 33
 Participating Laboratory 33
 Principal Display Panel or
 Panels 33
 Random Package 33
 Registered Service Agency 34
 Registered Serviceman 34
 Retail Dealer 34
 Sale from Bulk 34
 Spark-Ignition Motor Fuel 34
 Type 34
 Type Evaluation 34
 Wholesale Dealer 34
Definitions, IDAPA 02.03.03 57
 Antimicrobial Pesticides 57
 Certification 57
 Chemigator 57
 Hazard Area 57
 High Volatile Esters 57
 Janitorial Services 57
 Limited Supervision 57
 Low Volatile Esters 57
 Mixer-Loader 57
 On-Site Supervision 57
 Pesticide Drift 57
 Recertification 57
 Seminar 58
 Sprinkler Irrigation 58
 Unmanned Aircraft System
 (UAS) 58
 Unmanned Aircraft Vehicle
 (UAV) 58
 Waters of the State 58
Definitions, IDAPA 02.04.20 74
 Accredited Veterinarian 74
 Approved Brucella Vaccine 75
 Approved Feedlot 75
 Brucellosis 75
 Brucellosis Emergency 75
 Brucellosis Herd Management
 Plan 75
 Cattle 75
 Commuter Herd 75
 Designated Surveillance Area
 (DSA) 75
 Domestic Bison 75
 Domestic Cervidae 75
 Exposed 75
 Federal Animal Health
 Official 75
 Infected Animals or Herds 75
 Negative 75
 Official Identification 75
 Official Vaccine 76
 Operator 76
 Parturient 76
 Postparturient 76
 Premises 76
 Quarantine 76
 Reactor 76
 Re-Identification of Official
 Vaccinates 76
 Restrained 76
 Restricted Movement Permit 76
 State Animal Health Official 76
 State/Federal Animal Health
 Laboratory 76
 Suspect 76
 Swine 76
 Test Eligible 76
 Wild Bison 76
 Wild Elk 77
Definitions, IDAPA 02.04.24 92
 Accredited Herd 92
 Accredited Veterinarian 92
 Affected Herd 92
 Approved Feedlot 93
 Approved Laboratory 92
 Area-Veterinarian-in-Charge 93
 Bovine Tuberculosis 93
 Cattle 93
 Domestic Bison 93
 Domestic Cervidae 93
 Eradication 93
 Exposed 93
 Federal Animal Health
 Official 93
 Free Area 93
 Herd 93
 Herd Depopulation 93
 Interstate Movement 93
 Intrastate Movement 93
 Negative 93
 Official Tuberculin Test 93
 Public Stockyards 93
 Quarantined 94
 Quarantined Area 93
 Reactor 94
 Restrained 94
 State Animal Health Official 94
 Suspect 94
 Tuberculin 94
Definitions, IDAPA 02.04.26
 Official Individual
 Identification 112
Definitions, IDAPA 02.04.26,
 Subchapter A 102
 Accredited Veterinarian 102
 Approved Slaughter
 Establishment 102
 Cattle 102
 Domestic Bison 102
 Domestic Cervidae 102
 Epithelioma of the Eye 102
 Federal Animal Health
 Official 102
 Interstate Movement 102
 Livestock 102
 Lump Jaw 103
 Official Brucellosis Vaccination
 Ear Tag 103
 Official Ear Tag 103
 Official Identification 103
 Operator 103
 Owner 103
 Parturient 103
 Postparturient 103
 Premises 103
 Previous Location 103
 Restraint 103
 State Animal Health Official 103
 Test Eligible 103
 USDA Backtag 103
Definitions, IDAPA 02.04.26,
 Subchapter B 112
 Accredited Veterinarian 112
 Approved Slaughter
 Establishment 112
 Brucellosis 112
 Cattle 112
 Domestic Bison 112

- Domestic Cervidae 112
- Epithelioma of the Eye 112
- Federal Animal Health
 - Official 112
- Herd 112
- Interstate Movement 112
- Livestock 112
- Lump Jaw 112
- Official Ear Tag 112
- Official Vaccination Ear Tag 113
- Operator 113
- Owner 113
- Restraint 113
- State Animal Health Official 113
- Tuberculosis 113
- USDA Back Tag 113
- Definitions, IDAPA 02.06.01,
 - Subchapter A 118
 - Condition 118
- Definitions, IDAPA 02.06.01,
 - Subchapter B 136
 - Condiment Mustard 137
 - Green Manure Rapeseed 137
 - Producer 136
 - Rapeseed 136
 - Types 136
 - Volunteer Rapeseed 137
- Definitions, IDAPA 02.06.01,
 - Subchapter C 138
 - Annual Bluegrass 138
 - Annual Bluegrass Analysis
 - Certificate 138
 - Annual Bluegrass Quarantine
 - Release Tag 138
 - Grass Species 138
 - Official Seed Laboratory 138
 - Regulated Pest 139
 - Representative Sample 139
 - Rough Bluegrass 139
 - Rough Bluegrass Analysis
 - Certificate 139
 - Rough Bluegrass Quarantine
 - Release Tag 139
 - Seed Stock 139
- Definitions, IDAPA 11.05.01 178
 - Actual Use 178
 - Business 178
 - Multipurpose Arena Facility 178
 - Owner 178
 - Partition 178
 - Stock Transfer 178
 - Transfer 178
- Definitions, IDAPA 13.01.03 184
 - Aircraft 184
 - Camp(ing) 184
 - Commercial Use 184
 - Designated Roads & Trails 184
 - Lands Owned or Controlled by the
 - Department 184
 - Safety Zone 184
 - Unattended 184
 - Watercraft 184
- Definitions, IDAPA 13.01.04 187
 - Allocated Tag 187
- Authorized Corporate
 - Representative 187
- Blind or Visually Impaired 187
- Capped Hunt 187
- Controlled Hunt 187
- Disabled 187
- Domicile 187
- Eligible Property 188
- Landowner 188
- Leftover Tag 188
- Licensed Medical Provider 188
- Non-Allocated Tag 188
- NR DAV Draw Hunt 188
- NR Draw Hunt 188
- NRL Hunt 188
- Outfitted Hunter 188
- Over the Counter (First come, First Served) 188
- Permanent Disability 188
- Physician 188
- Two-Year Outfitter Verified Use
 - History 188
- Definitions, IDAPA 13.01.16 238
 - Bait 238
 - Public Trail 238
 - Sets 238
- Definitions, IDAPA 15.01.01 253
 - Act 254
 - Aging Network 254
 - Area Agency on Aging (AAA) 254
 - Assessment 254
 - Caregiver 254
 - Client 254
 - Cognitive Limitations 254
 - Cost Sharing Payment 254
 - Department 254
 - Eligibility 254
 - Focal Point 254
 - Formal Supports 254
 - Functional Limitation 254
 - Household 254
 - ICOA 254
 - ICOA Program Manual 254
 - Impairment in Activities of Daily Living (ADL) 254
 - Impairment in Instrumental Activities of Daily Living (IADL) 255
 - Informal Supports 255
 - Medicaid Services 255
 - Older Americans Act as Amended (OAA) 255
 - Program 255
 - Program Regulations 255
 - Provider 255
 - Services 255
- Definitions, IDAPA 24.05.01
 - System Classifications 308
 - Very Small Public Drinking Water
 - System 308
 - Very Small Wastewater
 - System 308
- Definitions, IDAPA 24.35.01 340
 - Act 340
 - Authorized Person 340
 - Classified River 340
 - Compensation 340
 - Facilities and Services 340
 - Fishing 340
 - Float Boats 340
 - Hazards 340
 - Hunting 340
 - IFGC 341
 - Major Activity 341
 - Major Amendment 341
 - Minor Amendment 341
 - Operating Area 341
 - Operating Plan 341
 - Out-of-Pocket Expenses 341
 - Power Boats 341
 - Watercraft 341
- Definitions, IDAPA 28.02.03 373
 - Department 373
 - Program Guidelines 373
- Definitions, IDAPA 37.02.04 386
 - Acre Foot 386
 - Agreement 386
 - Annual 386
 - Bank 386
 - Beneficial Use 386
 - Bureau 386
 - Chairperson 386
 - Committee 386
 - Council 386
 - IDWR 386
 - IWRB 386
 - Rent 386
 - Rental Pool 386
 - Renter 386
 - Reservation 386
 - Reservation Watermaster 386
 - Snake River Watermaster 387
 - Tribal Stored Water 387
 - Tribal Water Engineer 387
 - Tribes 387
- Definitions, IDAPA 37.03.07 391
 - Alteration 391
 - Applicant 391
 - Base Food Elevation 392
 - Board 392
 - Bridge 392
 - Continuously Flowing Water 392
 - Culvert 392
 - Debris 392
 - Department 392
 - Director 392
 - Drop Structures, Sills & Barbs 392
 - Fish Habitat 392
 - Human Life Support System 392
 - Mean High Water Mark 392
 - Non-Powered Equipment 392
 - Permanent Structures 392
 - Plans 392
 - Powered Equipment 393
 - Repair 393
 - Stream Channel 393

- Definitions, IDAPA 37.03.12 423
2-B Gage 423
Acre-Foot (AF) 423
Acre-Foot Per Year (AFY) 423
Arco Gage 423
Cubic Foot Per Second (CFS) 424
Delivery Call 424
Director 424
Eastside Canal 424
Holder of a Water Right 424
Howell Gage 424
Rotation Credit 424
Small Domestic & Stock Water
Uses 424
Storage Water 424
Water District 424
Water User or Holder of a Water
Right 424
Watermaster 424
Definitions, IDAPA 39.03.49 444
Alcohol 444
Breath Alcohol Concentration
(BrAC) 444
Certification 444
Circumvention 445
Court (Or Originating Court) 444
Department 444
Device 444
Diversion Program Administer or
Designee 444
Ignition Interlock Waiver
Liability 445
Independent Testing
Laboratory 444
Interlock 444
Lessee 444
Manufacturer 444
Manufacturer's
Representative 445
Tampering 445
Definitions, IDAPA 55.01.03 453
Administrator 453
Capstone Course 453
Concentrator Student 453
Division 453
Enrollment Units 453
Intermediate Course 453
Participation 453
Technical Skills Assessment 453
Work-based Learning Course 453
Definitions, Subchapter B 20
Clean 21
Diameter 21
Fairly Well Colored 21
Mature 21
Similar Varietal
Characteristics 21
Well Formed 21
Definitions, Subchapter C 23
Diameter 23
Mature 23
Well Formed 23
Delay In Eligibility For Buying Limited
General Hunt Tag 195, 217
Demonstration Projects 255
Deposit Of Forfeitures &
Damages 301
Cyanidation Facility Closure
Fund 301
Mine Reclamation Fund 301
Designated Motorized Hunting Rule
Units 231
Designated Surveillance Area
(DSA) 84
Individual Identification
Requirements 84
Permit Required for Movement out
of the DSA 85
Testing Requirements Within The
DSA 84
Designation Of Allocated Deer & Elk
Tags 343
Change in Operating Area or
Owner of Business 346
Hardship Request 345
New Hunt Allocated Tag
Designation 344
Notification 343
Objection to Calculation 345
Outfitted Hunter Tag Use
History 343
Remaining or Additional Allocated
Tags 344
Rounding 344
Stipulation by Outfitters 345
Tie-breaker 344
Undesignated Tag Pool 345
Use of Previously Designated
Allocated Tags 344
Designation Of Controlled Hunt Tags
To Children 213
Applicability of Controlled Hunt
Rules 214
Children 214
Date for Designation 214
Designation 213
Designation by Nonresidents 213
Form 214
Detection, Identification, & Reporting
Of Regulated Pests 146
Detection of a Regulated Pest 146
Disagreement 146
Observation 146
Release of Information 146
Reporting 146
Deviation From An Approved
Reclamation Plan 282
Notification 282
Unforeseen Events 282
Device Maintenance & Reports 447
Additional Report 448
Corrective Action Report 448
Device Examination
Schedule 447
Report of Examination 447
Device Security 448
Device Identification 448
Personnel Requirements 448
Physical Anti-Tamper
Security 448
Tampering or Circumvention
Precaution 448
Warning Label 448
Diesel, Biodiesel, & Gasoline
Standards 32
Disability Licenses 192
Attestation to Disability 192
Documentation for Eligibility 192
Disabled Hunter & Companion
Game Tags, Permits, &
Limits 194
Accompanying the Disabled
Hunter 194
Assistance of Disabled Hunter by
Designated Companion 194
Companion's Possession
Limit 194
Disabled Hunter Considered for
Violation 195
Excepted From Game Tag or Game
Permit Possession Only 194
Validation and Attachment of
Tag 194
Written Statement of
Designation 194
Disabled Persons Motor Vehicle
Hunting Permits 193
Applications for Disabled Motor
Vehicle Hunting Permits 193
Disabled Motor Vehicle Hunting
Permits 193
Disabled Veterans Special Big Game
Tag 212
Application 213
Availability 212
Eligibility 213
Fees 213
Validity of Tag 213
Discipline 320, 370
Advertising 320
Civil Fine 320
Costs & Fees 320, 370
Unlicensed or Unsupervised
Practice 320
Disposition Of Cattle 106
Disposition Of Tuberculin - Responding
Cattle, Bison, & Domestic
Cervidae 98
Disqualification 470
Petitions – Determination 470
Voluntary Disqualification 470
Domestic Cervidae Brucellosis
Eradication Area 89
Drop Structures, Sills, & Barbs 400
Barb or Partial Drop
Structure 400
Drop Structures 400
Sills 400
DTE Abbreviations
Designated Tuberculosis
Epidemiologist 94
Dumped Rock Riprap

- Finished Surface 398
Riprap Protection 397
- E**
- Edible Harvest Exemption 146
Eligibility For Controlled Hunt
Application 196, 218
Antlered-Only Deer, Antlered-
Only Elk, & Pronghorn 219
Antlered-Only Deer, Antlered-
Only Elk, and Pronghorn 197
Bighorn Sheep 196, 218
Black Bear 197, 219
Grizzly Bear 197, 219
Herd Health Landowner
Permission Hunts 197
Landowner Permission
Hunts 197, 219
Moose 196, 219
Mountain Goat 196, 219
Multiple Applications 197, 220
Outfitter Allocated Hunts 197,
219
Youth Only Hunts 197, 219
Emergency Depredation Hunts 233
Applications 233
Controlled Hunt Tagholder
Exception 234
Effect on Bag/Possession
Limits 234
Eligibility 233
Selection of Participants 234
Emergency Waiver 395
Conformance to Conditions of
Waiver 395
Emergency Waiver 395
Verbal Waivers 395
Waiver of Provisions of SPA 395
Waivers Granted by Designated
Employees 395
Endorsements 163
Alternative Authorization -
Teacher to New
Endorsement 163
Clinical Experience
Requirement 163
National Board Certification 163
Enforcement & Failure To
Comply 300
Appeal of Final Order 301
Civil Penalty 301
Financial Assurance
Forfeiture 300
Injunctive Procedures 301
Enforcement & Unauthorized
Attachments 383
Fine 383
Removal 383
Enforcement Of Act 395
Failure to Comply with Stream
Protection Act 395
Written Orders Issued by
Designated Employees of
Department 395
- Entry Requirements 87
Environmental Requirements 104, 114
Equipment Of The Chief Second 306
Ammonia 306
Equipment 306
Inspection 306
Exceptions For Methods Of Take &
Shooting Hours For Gray Wolf 231
Exceptions for Dispatch of
Trapped Wolf 231
Exceptions for Methods of
Take 231
Permits Involving Waiver of
Official Shooting Hours 231
Exempt & Undercover Plate Fees 441
Adjusted Fees 441
Department Reimbursement 441
Elective Fees 441
Exempt Plate Display 441
Exempt Plate Status 442
Non-Expiring Plates 442
Reissue of Plates 442
Transfer of Plates 442
Exemptions 47, 393
Automotive Cooling System
Antifreeze 50
Butter 49
Camera Film 50
Cigarettes & Small Cigars 48
Cleaning, Maintenance,
Construction, or Repair
Work 393
Combination Packages 50
Corn Flour 50
Cuts, Plugs, & Twists of Tobacco
& Cigars 48
Decorative Containers 49
Eggs 49
Flour 49
Fluid Dairy Products, Ice Cream, &
Similar Frozen Desserts 48
General 47
Individual Servings 47
Margarine 50
Mining Operations Using Non-
Powered Equipment 393
Motor Oils 50
Multi-Unit Soft Drink
Packages 49
Packaged Commodities With
Labeling Requirements
Specified in Federal Law 48
Paints & Kindred Products 50
Prescription & Insulin Containing
Drugs 50
Random Packages 47
Removal of Debris 393
Reusable (Returnable) Glass
Containers 48
Single Strength & Less Than
Single Strength Fruit Juice
Beverages, Imitations Thereof,
& Drinking Water 48
Small Confections 47
- Small Packages 49
Snake & Clearwater Rivers 393
Soft-Drink Bottles 49
Work on Existing or Proposed
Reservoir Projects 393
Exemptions (Annual Bluegrass) 140
Experiments 141
Forage 141
Exemptions (Rough Bluegrass) 141
Experiments or Trial
Grounds 141
Rough Bluegrass 141
Expiration Of Approved Status 86, 99,
106
Expiration Of Approved Status,
Livestock Trader Lot 109
Exploration Operations &
Reclamation 269
Additional Reclamation 270
Diligence 269
Exploration Reclamation (Less
Than Two Acres) 269
Exploration Reclamation (More
Than Two Acres) 270
Notification 269
When Exploration is Mining 269
Exploration Operations & Required
Reclamation
Confidentiality 269
Contents of Notification 269
- F**
- Fees 68, 305, 312, 314, 317, 320, 323,
325, 329, 335, 338, 370
A Chemigation License 68
Applications & Renewals 338
Commercial Apprentice (CA)
Applicator's License 68
Examination Fee per Examination
Category 68
Examination Fees 329
Non-refundable 329
Pesticide Dealer's License 68
Pesticide Registration 68
Private Applicator's License 68
Professional Applicator's
License 68
Fees & Charges 141
Inspection 141
Quarantine Release Tags 141
Sampling 141
Seed Analysis 141
Fertilizer 144
Filing And Service Of Discovery-
related Documents 474
Final Orders 477
Content 477
Definition 477
Service of Final Orders 478
Financial Assurance
Requirements 285
Annual Financial Assurance
Review for Reclamation
Plans 287

- Appeal Process for Financial Assurance Decisions 289
Cooperative Agreements 288
Corporate Guarantee Released First 288
Financial Assurance for Cyanidation Facility with Five (5) or Less Acres of Authorized Land 285
Financial Assurance for Mine or Cyanidation Facility with More Than Five (5) Acres of Authorized Land 286
Financial Assurance for Mines with Five (5) or Less Acres of Authorized Land 285
Financial Assurance Provided to the Federal Government 287
Financial Assurance Reduction for Mines 287
Financial Assurance Release Following Mine Reclamation 287
Indirect Costs for Reclamation Cost Calculations 286
Liabilities for Reclamation Costs Not Covered by Financial Assurance 289
Mining Operation Conducted by Public or Government 286
Mobilization Costs are Direct Costs 286
Permanent Closure Financial Assurance Release 289
Permanent Closure Financial Assurance Review 288
Process for Requiring Higher Financial Assurance 286
Salvage Value Not Allowed 286
Submittal of Financial Assurance Before Mining 285
Submittal of Financial Assurance Before Operating a Cyanidation Facility 285
Timely Financial Assurance Submittal 285
Five (5) Year Updates & Periodic Inspections 300
Five (5) Year Updates 300
Frequency of Inspection 300
Right of Inspection 300
Foreign Exchange High School Students 192
Foreigners/Aliens In Idaho 192
Forfeiture Of Financial Assurance 293
Form Of Financial Assurance 289
Blanket Financial Assurance 293
Collateral Bond 289
Corporate Guarantees 292
Corporate Surety Bond 289
Letters of Credit 290
Multiple Forms of Financial Assurance Accepted 293
Real Property 290
Reclamation 293
Trusts 291
Furbearing Animals – Methods Of Take 240
- G**
- General 387
Authority of Bank 387
Bank Operation 387
Consistency 387
Evaporation Losses 387
Incorporation of Articles 387
Priority of Use 387
Storage Water 387
General Chemigation Requirements 72
Chemigating Over Waters of the State 72
Chemigation Equipment Standards 72
Monitoring Chemigation 72
Pesticides Labeled for Chemigation 72
General Grant Program Requirements 373
Amendments to Grant Agreements 373
Application Procedure 373
Cost Reimbursable 374
Grant Acknowledgment 373
Grant Agreement 373
Limitation on Use of Funds 373
Reporting Requirements 373
Review of Applications 373
Rural Community 374
Termination of Funding 373
General Provisions 178
Controlled Access to Minors 179
Delegation of Authority to License Alcoholic Beverages 178
Multipurpose Arena Facility Licensure Requirements 179
Notification of Renewals and Administrative Actions 179
Premises Loss, License Display, & Actual Use Requirement 179
Product Replacement 180
Restaurant Licensure Requirements 178
Geographic Scope Of Renting 389
American Falls Storage 389
Palisades Storage 389
Germination Standards For Flower Seeds 121
Below Standard 127
Table 1 122
Germination Standards For Seed In Hermetically Sealed Containers 127
Conditions of Packaging 127
Germination 129
Germination Tests 127
Labeling 129
Moisture 128
Table 1 128
Table 2 128
Germination Standards For Vegetable Seeds 120
Governor's Wildlife Partnership Tags Application of Big Game Rules 209
Validity of Tag 209
Governor's Wildlife Partnership Tags 209
Eligibility 209
License & Controlled Hunt Tag 209
Grades 23
Idaho Combination 23
Idaho No. 1 23
Idaho No. 2 23
Gray Wolf Trapping 241
- H**
- Hearing On Emergency Order 479
Appointment of Presiding Officer 479
Notice of Proposed Hearing 479
Regular Proceedings Permitted 480
Request for Alternative Hearing Date 480
Stay 480
Time for Hearing 479
Hearings On Denied, Limited, Or Conditioned Permit Or Other Decisions Of The Director 405
Herd Health Kill Authorization 234
Authorization 234
Possession for Personal Use 234
Tag Eligibility 235
- I**
- Idaho Approved Feedlot 85, 99
Adequate Records 85
Adequate Resources 85
Cattle Secured 85
Inspection 86
Past History 86
Idaho Building Codes 359
International Building Code 359
International Building Code, 2021 Edition 360
International Energy Conservation Code – Commercial Provisions 363
International Energy Conservation Code – Residential Provisions 364
International Existing Building Code 363
International Residential Code, 2024 Edition 360
Idaho Community Development Block Grant (ICDBG) 378
Incorporation by Reference 378
Purpose 378
Idaho Educator Credential 154
Additional Renewal Requirements 161

- American Indian Tribal Language Certificate 161
Career Technical Certification Requirements 158
Junior Reserved Officer Training Corps (Junior ROTC) Instructors 161
Postsecondary Specialist Certificate 160
Standard Administrator Certificate 157
Standard Instructional Certificate 154
Standard Pupil Service Staff Certificate 155
Idaho Gem Grant (IGG) Program 375
 Bid Process 376
 Distribution of Funds 375
 Eligible Applicants 375
 Eligible Expenses 375
 Ineligible Expenses 375
 Matching Funds 375
 Program Intent 375
 Review of Applications 375
Idaho Global Entrepreneurial Mission (IGEM) Grant Program 377
 Commercialization Revenue 377
 Eligible Applicants 377
 Industry Partner 377
 Matching Funds 377
 Program Intent 377
 Review of Applications 377
Idaho Hail Grade, Prunes Or Plums 20
Idaho Interim Certificate 161
 Codes of Ethics 162
 Idaho Comprehensive Literacy Course 162
 Interim Certificate Not Renewable 161
 Non-Traditional Route to Teacher Certification 162
 Reinstatement of Expired Certificate 162
 Teaching For Mathematical Thinking 162
Idaho No. 1 Grade 21
 Idaho No. 1 21
 Size 21
 Tolerances 21
Idaho Opportunity Fund 377
 Distribution of Funds and Eligible Applicants 378
 Grant Agreements 378
 Matching Funds 377
 Program Intent 377
 Review of Applications 377
Idaho Regional Travel And Convention Grant Program 374
 Audit Requirement 375
 Distribution of Funds 374
 Eligible Applicants 374
 Eligible Expenses 374
 Ineligible Expenses 375
 Matching Funds 374
 Program Intent 374
 Review of Applications 374
Identification 106, 115
Identification Of Animals That Legally May Be Taken 225
 Big Game Animals of Either Sex 225
 Seasons Restricted to Antlered or Male Animals Only 225
 Seasons Restricted to Antlerless or Female Animals Only 226
Identification Of Exposed Cattle & Bison 99
 Branding & Tagging "S" 99
 Shipping Without Branding 99
Identification Of Reactor Cattle & Bison 98
 Branding & Tagging "T" 98
 Shipping Without Branding 98
Identification Of Sex, Size, And/Or Species In Possession & During Transportation Or Shipment 226
 Evidence of Sex 226
 Evidence of Species 227
 Other 227
Identification Tags for Traps 238
 Name & Address 238
 Number 238
Identification, Livestock Trader Lot Cattle 109
Identity 36
 Declaration of Identity --
 Consumer Package 36
 Declaration of Identity --
 Nonconsumer Package 37
 Declaration of Responsibility --
 Consumer & Nonconsumer Packages 37
 Parallel Identity Declaration --
 Consumer Package 36
Ignition Interlock Device 444
Inactive Cases 473
Incorporation By Reference 19, 27, 31, 74, 92, 150, 169, 172, 175, 304, 368, 372, 386, 456
 "Idaho Sexual Offender Management Board Standards & Guidelines for Adult Sexual Offender Management Practices" 456
 "Idaho Sexual Offender Management Board Standards & Guidelines for Practitioners, Evaluations & Treatment of Juvenile Sexual Offenders" 456
 Association of Boxing Commissions and Combative Sports Unified Rules of Boxing Amended 2016 304
 Association of Boxing Commissions and Combative Sports Unified Rules of Mixed Martial Arts 304
 Athlete Guide to the 2020 Prohibited List 304
 Local Availability 31
 Required Reference Materials 31
 Required Reference Materials for Checking Prepackaged Commodities 31
 The Idaho Content Standards 169, 172, 175
 The Idaho Special Education Manual 170, 173, 175
 The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Visually Impaired 170, 173, 175
 The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Hard of Hearing 170, 173, 175
 Incorporation by Reference 118
 Association of American Seed Control Officials AASCO) 120
 Association of Official Seed Analysts (AOSA) 120
 International Seed Testing Association (ISTA) 120
 National Seed Health System (NSHS) 120
 USDA/APHIS Export Program Manual (XPM) 120
 Incorporation By Reference, Subchapter A 143
 The Association of American Feed Control Officials (AAFCO) Official Publication 143
 The Merck Index 143
 Incorporation By Reference, Subchapter B 112
 Incorporation By Reference, Subchapter D 144
 The Association of American Plant Food Control Officials (AAPFCO) Official Publication 144
 The Association of Official Agricultural Chemists (AOAC) International 144
 Incorporation By Reference, Subchapter E 144
 The Association of American Plant Food Control Officials (AAPFCO) Official Publication 144
 The Association of Official Agricultural Chemists (AOAC) International 144
 Individual Responsibility Plan (IRP) 261
 Individual Responsibility Plan 261
 Modifications 261
 Infested Seed Stock (Annual Bluegrass) 140
 Information To Be Provided By An

- Authorized Agency 441
 - Actual Name & Address 441
 - Authorized Official 441
 - Fictitious Name & Address 441
 - Vehicle Description 441
- Inspection & Audit 250
- Inspection, Idaho Approved Feedlot 88
- Inspections 77, 94
 - Emergencies 77, 95
 - Entering and Inspection of Premises 77
 - Entering and Inspection Premises 95
 - Inspecting Records 77
 - Maintain Biosecurity 77, 95
- Inspections Restrictions And Identification Required
 - Certification & Markings 28
 - Inspections 28
 - Restrictions 28
- Inspections, Restrictions, And Identification Required 28
- Inspections, Subchapter A 104
 - Emergencies 104
 - Entering and Inspection of Premises 104
 - Inspecting Records 104
- Inspections, Subchapter B 113
 - Entering and Inspection of Premises 113
 - Inspecting Records 113
- Installation Standards 447
 - Device Removal Standards 447
 - Installation Instructions 447
 - Installation Standards 447
 - Installer 447
 - Mandatory Vehicle Maintenance 447
 - Security 447
 - Unauthorized Persons 447
 - Vehicle Condition Screen 447
- Internet Service Provider (ISP) 251
- Issuing Agency 441
- Issuing Licenses & Tags 250
 - Identification 250
 - Social Security Numbers 250
- Italian Prunes 20
 - Idaho No. 1 20
 - Nomenclature 20
- K**
- Kinds And Scope Of Discovery
 - Listed 473
 - Discovery, Generally 473
 - Kinds and Scope - Rules of Civil Procedure 473
- L**
- Label Requirements Of Seeds For Sprouting 132
 - Date 132
 - Germination Percentage 132
 - Lot 132
 - Name 132
- Percentage 132
- Laboratories 77
 - Authorized Persons 78
 - Blood, Milk, Tissue, or Other Samples 78
 - Reclassification of Reactors 78
 - Retest of Reactors 78
- Landowner Appreciation Program (LAP) 201
 - Application of Controlled Hunt Restrictions 202
 - Controlled Hunt Applications 201
 - Hunt Areas 201
 - Issuance of Tag(s) 202
 - Left over Tags 201
 - Property & Landowner Registration 201
 - Sale, Marketing, or Purchase Unlawful 202
 - Special Restrictions 202
 - Tag Eligibility 201
- Leftover Tag Sales 206
 - Controlled Hunt Tags 206
 - Outfitter Set-Aside and Nonresident Deer and Elk Tags 206
- Legal Authority 15, 19, 27, 31, 74, 92, 102, 118, 154, 169, 172, 184, 187, 216, 238, 246, 253, 264, 304, 319, 340, 368, 372, 380, 385, 391, 423, 432, 444, 455
- Levels Of Post Conviction Sexual Offender Polygraph Examiner Certification 459
 - Associate/Supervised Post Conviction Sexual Offender Polygraph Examiner 459
 - Senior/Approved Post Conviction Sexual Offender Polygraph Examiner 459
- Liberal Construction 468
- License Application 34
- License Displayed 35
- License Plate Provisions For All License Plates 433
 - Placement of Proof of Registration Document 433
 - Plate Numbering & Lettering 433
- License Plate Provisions For Restricted Vehicle Plates 434
- License Plate Provisions For Special Plates 437
 - Centennial License Plates 437
 - Custom Vehicle License Plates 438
 - Disabled Veteran License Plates 437
 - Provisions For Legislative License Plates 438
 - Year of Manufacture Plates 437
- License Plate Provisions For Special Program & Personalized Plates For Trailers 437
- License Plate Provisions For Standard Plates 433
 - County Designations 433
- License Renewals 35
- License Required For Commercially-Used Weighing Or Measuring Instrument Or Device 34
 - Annual License 34
 - Specific Device 34
- Licenses, Permits, And Tags For Lifetime License Certificate Holders 190
 - Licenses 190
 - Permits & Tags 190
- Licensing Professional Applicators Financial Responsibility 62
- Licensing Periods & Recertification 63
- Licensing System 248
 - Deposit Schedule 248
 - Reporting Time Period 248
- Licensure 308, 327, 331, 368
 - Additional Licensure Educational Requirements 331
 - Administrator Designee Qualification 369
 - Application 368
 - Approved Examination 331
 - Audiologist Licensure 327
 - Board approved Backflow or Operator Examination Providers Monitored and Audited 311
 - Classifications 308
 - Common Licensure Requirements 368
 - Continuing Education 311, 328
 - Deaf Interpreters 328
 - Education and Experience Requirements 309
 - Establishment 332
 - Examination Requirement 309
 - Health Services Executive 369
 - Hearing Instrument Specialist Licensure 327
 - Makeup Artist Certificate Approved Instruction 332
 - Nursing Home Administrator Licensure 369
 - Nursing Home Administrator-in-Training 369
 - Residential Care Facility Administrator Licensure 368
 - Sign Language Interpreter Licensure 327
 - Speech Language Pathologist Assistant Licensure 327
 - Speech Language Pathologist Licensure 327
 - Substitutions 310
 - Temporary Registration for Out-Of-State Applicants 328
- LIHEAP Eligibility 261
 - Application 261
 - Benefits 262
 - Citizenship 261

- Federal Income 262
- Income 261
- Residency 261
- Responsibility 262
- Verifications 261
- Limits On Trapping 240
 - Bait 240
 - Game Animals 240
- Livestock Dealer Records 104
- Livestock Dealers Duty, Livestock Trader Lot 111
- Livestock Market Release 83
- Livestock Trader Lot Premises 111
 - Condition 111
 - Feed & Water 111
 - Fences 111
 - Pens 111
 - Restraint System 111
- Livestock Treatment 104, 113
 - Euthanized 104
 - Fed & Watered 104
 - Humanely Euthanized 113
 - Provided Adequate Feed & Clean Water 113
 - Returned 104
 - Returned to the Owner 113
- Location Of Buying Stations 108
- Loss of Documents & Fees 250
- Lots Tagged Not For Sale -- Removal Thereof, Potatoes 28
- M**
- Make-Ready Work 382
 - Determination & Notification 382
 - Good & Sufficient Cause 382
 - Resume Routine Operations 383
 - Selection of a Mutually Acceptable Third Party 383
 - Time Limits Infeasible 382
- Management 387
 - Bank Operation 387
 - Chairperson Duties 388
 - Chairperson Selection 387
 - Committee Composition 387
 - Committee Responsibilities 387
- Mandatory Check & Report -- Pelt Tags 242
- Mandatory Check & Report
 - Requirements 232
 - Authorized Representative 232
 - Harvest Report 232
 - Possession of Raw Pelts 232
 - Presentation of Animal Parts 232
 - Return of Tags by Unsuccessful Hunters 232
- Mandatory Hunter Orientation 225
- Mandatory LIHEAP Household Members 262
- Mandatory Operational Features 449
 - Camera 449
 - Device Setpoint 449
- Mandatory Pronghorn, Deer, & Elk Report Requirements
 - Failure to Report 233
 - Mandatory Report 233
 - Mandatory Reports for Pronghorn, Deer, & Elk 233
 - Mandatory Telephone Report 233
- Market Release 114
 - Infectious Animals 114
 - Removal of Animals 114
 - Saleyard Report 114
 - Veterinary Inspection 114
- Marketing Order 27, 28
- Marking Requirements 24
 - Containers 24
 - Size 24
- Maximum & Minimum License Fee Schedule For Commercially-Used Weighing & Measuring Instruments & Devices 35
- Measurement Of Container-Type Commodities, How Expressed 44
 - Capacity 45
 - General 44
- Measuring Devices & Control Works 426
 - Access to Diversion Works 426
 - Diversions Which May Be Exempt 426
 - Installation & Maintenance of Measuring Devices & Control Works 426
- Methods Of Sampling -- General Procedure
 - Bags 119
 - Bulk 119
 - Composite Samples 119
 - Forwarding & Receipt of Official Samples 120
 - Free Flowing Seed 119
 - Non-Free Flowing Seed 119
 - Packets 119
 - Sample 118
 - Size of Sample 119
- Methods Of Testing 132
- Minimum Criteria 296
- Minimum Standards 396
 - Concrete Plank Boat Launch Ramps 396
 - Construction Procedures 396
 - Culverts & Bridges 396
 - Drop Structures, Sills & Barbs 396
 - Dumped Rock Riprap 396
 - Piling 396
 - Pipe Crossings 396
 - Removal of Sand & Gravel Deposits 396
 - Small Scale Mining with Suction Dredges, Powered Sluices, or Non-Powered Equipment 396
- Misleading Packages, Weights & Measures 51
- Motions -- Defined -- Form And Contents -- Time For Filing 471
 - Determination of Motions 471
 - Form and Contents 471
 - Motions Defined 471
 - Oppositions to Motions 471
 - Oral Argument 471
 - Time for Filing 471
- Motions To Seal 471
 - Duration of Order 472
 - Issuance of Order to Seal 472
 - Provision of Sealed Records Upon Judicial Review 472
 - Unsealing by Agency Head 472
- Motorized Hunting Rule 231
 - Exceptions 231
 - Use Restriction 231
- Movement Into Or Out Of Eradication Areas
 - Contents of Permits 84
 - Permits Authorizing Movement 84
- Movement Of Infected & Exposed Cattle Or Domestic Bison 85
 - Original Copy of Permit 85
 - Restricted Movement Permit 85
- Movement Of Infected & Exposed Cattle, Domestic Cervidae, Or Bison 99
- Movement Out Of Eradication Areas 84
- N**
- Nationwide Service Locations 449
- Natural Flows 425
 - Alternate Point of Diversion 426
 - Eastside Canal 425
- Neutrals 469
- Non-Discriminatory Access To Poles -- Denial Of Access 382
 - Denial to Access 382
 - Documentation to Support Denial 382
 - Owner/Provider Agreement to Access 382
- Nonresident Deer & Elk Tag Outfitter Set-Aside
 - Designated Buyers 203
 - Restrictions 202
- Nonresident Deer & Elk Tag Outfitter Set-Aside and Allocated Tags 202
- Nonresident Deer & Elk Tag Quotas 205
 - Disabled American Veteran Hunt Tag Quotas 205
 - Exceptions 205
 - General Hunt Tag Quotas 205
- Nonresident Tag Restrictions 195, 218
 - General Hunts 196
 - Nonresident Tag Limitations 195, 218
 - Wildlife Partnership Tags 196
- Noxious Weeds 129
 - Prohibited Weed Seeds -- Seed Commodities 130
 - Restricted Weed Seeds -- Seed Commodities 131
 - Restricted Weed Seeds

Tolerances 131
NR Draw And NR DAV Draw Hunt
Choices And Applications 199
Eligibility for Multiple Hunt
Applications and Tag
Limits 199
Group Application 199
Hunt Choices 199

O

Obtaining Certificates Unlawfully 190
Official Identification 98
Official Identification Of Cattle &
Domestic Bison 82
Official Adult Vaccinates 82
Official Vaccinates 82
Reactor and Suspect Animals 83
Spayed Heifers 83
Suspect Animals 83
Official Identification Of Domestic
Cervidae 88
Exception to Identification of
Reactor, Suspect, & Exposed
Animals 89
Identification at Time of
Brucellosis Testing 88
Identification of Reactors 89
Identification of Suspect &
Exposed Animals 89
Official Identification Of Swine 89
Reactor Swine 89
Swine Tested at Farm 89
Swine Tested at Market or
Slaughter 89
Official Vaccination 81
Adult Vaccination 81
Adult Vaccinations Required 82
Approval for Adult
Vaccination 82
Calfhood Vaccination 81
Official Vaccination Required For
Cattle & Domestic Bison 81
Operating Area 342
Conflict Considerations 342
Controlled Hunts Outside
Operating Area 342
Environmental
Considerations 342
Hot Pursuit 342
Overlap Predator Areas 343
Safety Considerations 342
Operating Criteria For Public Water
Systems 461
Cross Connection Control - Non-
Community Water
Systems 465
Cross Connection Control Program
- Community Water
Systems 465
Disinfection 464
Fluoridation 464
Ground Water 463
Operating Criteria 463
Quantity & Pressure

Requirements 461
Start-up Procedures For Seasonal
Systems Subject To Subsections
100.01.a., C., & D. 465
Orders Generated With Artificial
Intelligence 469
Other Agency-Specific Contested Case
Rules
Mandatory Application 480
Optional Application 480
Other Agency-specific Contested Case
Rules 480
Other Challenges To Rules 470
Other Provisions 449
Notice of Installation 449
Removal of Device 450
Repair Deadline 449
Statement of Charges 449
Statewide Service Center
Locations 449
Substitute Device 450
Outfitter Or Designated Agent License
Or Amendment Application 341
Designated Agent 342
Existing Operating Area 342
Hearing 342
Insurance 342
Name 341
Operating Area Limitations 342
Operating Plan 342
Other Signatures 341
Out-of-State Vendors 248

P

Packaging & Labeling Rules 36
Auxiliary Containers 36
Inner Wrappings 36
Open Carriers 36
Retail Display Containers 36
Shipping Containers 36
Unpackaged Commodities 36
Permanent Defects 23
Permanent Structures 397
Accommodations & Prohibited
Barriers 397
Vertical Drops Requirements 397
Year-Round Water Depth
Requirements 397
Permit Fees 27
Permits 239
Alternative Permittee 239
Applications 239
Controlled Trapping Permit
Drawing 239
Eligibility 239
General 239
Revocation of Permits 239
Successful Applicants 239
Persons Not Parties — Interested
Persons 469
Pesticide Dealer Licensing 67
Selling GUPs 67
Submit Application 67
Pesticide Restrictions 68

Application of General Use
Pesticides by Noncertified
Applicators 69
Application of Restricted Use
Pesticides by Noncertified
Applicators 68
Deviations from Pesticide Labels
& Labeling 71
Mixer-Loaders 70
Non-Domestic Pesticides
Restrictions 70
Pesticide Drift Prohibitions 71
Pesticide-Fertilizer Mix
Restrictions 71
Phenoxy Herbicide
Restrictions 71
Restrictions to Protect
Pollinators 70
Wind Velocity Restrictions 71
Petroleum Products 51
Compressed Natural Gas 52
Gauge Stick Measurement 52
Liquefied Natural Gas 52
Liquefied Petroleum 51
Maintaining Scales 51
Metering System Installation 51
Single Meters 52
Physical Field Examinations 17
Piling 404
Condition of Pilings 404
Prohibited Materials, Pilings 404
Replacement of Pilings 404
Standards for Pilings 404
Pipe Crossings 405
Cofferdam 405
Construction Methods 405
Depth of Line 405
Pipe Joints 405
Revegetation of Disturbed
Areas 405
Standards for Pipe Crossings 405
Placed Rock Riprap 397
Design Procedure 399
Extension of Riprap Area 398
Methods Used for Determining
Gradation of Riprap 397
Minimum Thickness of
Riprap 397
Native Vegetation Planting 398
Placement of Riprap 397, 398
Rock Used for Riprap 397
Sideslopes of Riprap 397
Size & Gradation of Riprap 397
Toe Protection 398
Use of Filter Material 398
Polyethylene Sheeting 40
Bulk 40
Count -- Ply 40
Fractions 41
Packages 40
Practice Standards 311, 333
Grandparent License 311
Inspections 335
Operator-in-Training 311

- Operators and Backflow Assembly Testers Code of Conduct 311
- Practice Outside of Licensed Establishment 333
- Premises 333
- Safety And Disinfection for Establishments and Schools 334
- Safety and Disinfection for Retail Cosmetics Dealer Facilities 334
- Unprofessional Conduct 335
- Preliminary Orders 476
 - Content 476
 - Definition 476
 - Service of Preliminary Orders 477
- Premises Requirements 107
 - Condition 108
 - Feed & Water 108
 - Fences 108
 - Pens 108
 - Restraint System 107
- Prescribed Units 39
 - Area Measure -- Dual Quantity Declaration 39
 - Bidimensional Commodities 39
 - Fluid Measure -- Dual Quantity Declaration 39
 - Four Feet, Four Square Feet, Four Pounds, One Gallon, or More 39
 - Length Measure -- Dual Quantity Declaration 39
 - Less Than One Foot, One Square Foot, One Pound, or One Pint 39
 - Weight -- Dual Quantity Declaration 39
- Primary Responsibilities Of Agencies/ Offices Monitoring This Chapter 450
- Primary Responsibilities Of Agencies/ Offices Monitoring This Rule
 - Court 451
 - Department 451
 - Lessee 451
 - Manufacturer or Manufacturer's Representative 450
 - Testing Lab 450
- Private Applicator Licensing 64
 - Categories 65
 - Demonstrate Competence 64
 - License Periods & Recertification 65
 - Submit Application 64
- Procedures For Infected Herds and Feedlots 98
- Procedures For Review & Decision Upon An Application For A Reclamation Plan Or Permanent Closure Plan 278
 - Agency Notification & Comments 278
 - Decision on Cyanidation Facility Permanent Closure Plans 279
 - Decision on Reclamation Plans 279
 - Inspection 278
 - Public Hearing 279
 - Referral to Board 279
 - Return of Application 278
- Procedures For Review & Decision Upon An Application To Perform Surface Mining, Reclamation, & Ore Processing Using Cyanide
 - Appeal of Final Order 281
 - Denial of an Application 280
 - Permanent Closure Plan Approval 280
 - Public Hearing 281
 - Referral to Board 281
- Procedures For Tuberculosis - Infected Feedlots 98
- Processing Grade, Prunes Or Plums 20
 - Cullage Tolerance 20
 - Fruit Sugar Content 20
 - Infestation 20
 - Minimum Size 20
- Production Districts 137
 - District I 137
 - District II 137
- Professional Applicator Licensing 58
 - Categories 59
 - Certification & Department Examination Procedures 58
 - Demonstrate Competence 58
 - Submit Application 58
- Program Eligibility 257
- Program Policy 255
 - Contracts 255
 - Idaho Commission On Aging (ICOA) Program Manual 255
 - Programs & Services 255
- Program Purpose 255
- Prominence & Placement -- Consumer Packages 42
 - Calculation of Area of Principal Display Panel for Purposes of Type Size 43
 - Color Contrast 42
 - Free Area 43
 - General 42
 - Location 42
 - Minimum Height of Numbers & Letters 43
 - Minimum Height of Numbers & Letters - Table 1 43
 - Numbers and Letters -- Proportion 43
 - Parallel Quantity Declaration 43
 - Style of Type or Lettering, Consumer Packages 42
- Prominence & Placement -- Nonconsumer Packages General 44
- Proof Of Registration For New, Replacement, Or Reissued License Plates 433
- Issuance of Manually Completed Temporary Registrations When Automated System is Unavailable 433
- Placement of Plate on Order Document 433
- Plate on Order Document 433
- Provisions for Exempt License Plates 440
 - Personalized Exempt License Plates 440
 - Standard Exempt License Plates 440
- Provisions For Former Prisoner Of War (POW) License Plates 439
 - Certified Documentation 440
 - Eligible Person 439
- Provisions For Legislative License Plates
 - Numbering Assignment List 438
 - Option to Apply 438
- Provisions For Personalized License Plates 438
 - Acceptability of Plates Message 439
 - Character Limitations 438
 - Credits 438
 - Expired Plates 439
 - Issue of Personalized Plates 438
 - Lack of Current Plates 438
 - Message Preferences 439
 - Recalled Plates 439
 - Renewing Plates 438
 - Specific Requests 438
 - Transfer of Plates 438
 - Unexpired Fees 439
- Provisions For Sample Plates 440
 - Penalties 440
 - Personalized Sample Plates 440
 - Plate Size 440
- Provisions For Special License Plate Program Prequalification & Application Procedures 436
 - Annual Report 436
 - Appeals 436
 - Cancellation of Plate Programs 437
 - Special License Plate Approved by the Legislature 436
 - Special License Plate Prequalification 436
 - Submission to the Legislature 436
- Provisions For Transporter Plates 435
 - Numbering of Plates 435
 - Possession of Registration 435
 - Purpose 435
 - Renewal of Plates 435
 - Use of Plates 435
 - Violations 435
- Provisions For Wrecker Plates 436
 - Acquisition/Renewal of Wrecker Plates 436
 - Numbering of Plates 436
 - Possession of Registration 436

- Purpose 436
- Renewal of Plates 436
- Use of Plates 436
- Prunes & Plums 20
- Public & Confidential Information 301
 - BMPs 301
 - Information Subject to Disclosure 301
 - Use by Board 301
- Public Hearing 282
 - Call for a Hearing 282
 - Consideration of Hearing Record 283
 - Consolidation 283
 - Hearing Officer 283
 - Location 283
 - Notice of Hearing 283
 - Publication of Notice 283
- Public Livestock Market Charter 114
- Public Livestock Market Minimum Sale Requirement 114
- Public Monies 250
- Public Use Restrictions 184
 - Activities Not Allowed Without Authorization 184
- Purchasing Licenses For Others
 - Lifetime License Certificates 189
 - Nonresident Licenses 189
 - Resident Licenses 189
- Purpose
 - Scope 432
- Q**
- Qualifications for Licensure or Certification 319
 - Requirements for Certification 319
 - Requirements for Licensure 319
- Qualifications Of Regulated Articles For Quarantine Release (Rough Bluegrass) 140
 - Analysis Certificate 140
 - Planting Seed Stock of Regulated Articles 140
 - Quarantine Release Tag 140
- Quarantine Pens 115
 - Cleaning & Disinfection 115
 - Drainage 115
 - Feed & Water 115
 - Fence Construction 115
 - Hard Surface 115
 - Signage 115
- Quarantines 78, 95
 - Exposed Herds 78, 95
 - Infected Herds 78, 95
 - Validity of Quarantine 78, 95
- R**
- Rapeseed Growing Outside Cultivated Fields Enforcement & Penalties 138
- Reasonable Modification Permit (Weapon Restrictions) 193
 - Application 193
- Authority 194
 - Determination 193
 - Expiration & Carrying 194
- Recommended Orders 475
 - Content 475
 - Content if Reconsideration is Not Permitted or Feasible 476
 - Definition 475
 - Service of Recommended Orders 476
- Recording Or Reporting Of Hearings 474
 - In-Person, Remote Video and Telephonic Hearings 474
 - Presiding Officers 475
 - Remote Video Hearings 475
 - Transcripts 475
- Records For Approved Livestock Trader Lots 109
- Records Retention 86, 105
- Records, Livestock Marketing 116
- Referenced Material 372
- Refunds And Exchanges 206
 - Administrative Error 207
 - Amount Refunded 206
 - Exchanges 207
 - Junior Mentored Refund 207
 - Overpayment of mailed payments 207
 - Partial Refund 207
 - Refund Eligibility 206
 - Subsequent Year Hunt Eligibility 207
 - Widespread Environmental Incidents Refund 207
- Refunds of Controlled Hunt Fees 224
 - Refunds 224
- Registration & Fees 143
 - Product Registration Fee 144
 - Product Registration Fee Exemption 144
- Registration Of Servicemen & Service Agencies For Commercial Weighing & Measuring Devices 54
 - Certificate of Registration 54
 - Placed in Service Report 54
 - Policy 54
 - Privileges of a Voluntary Registrant 54
 - Publication of Lists of Registered Servicemen & Registered Service Agencies 55
 - Reciprocity 54
 - Revocation of Certificate of Registration 55
 - Standards & Testing Equipment 54
 - Voluntary Registration 54
- Regulated Articles 139
- Re-Identification Of Official Vaccinates 83
 - Administrator Grants Permission 83
 - Official Identification 83
- Records 83
 - Reproduction of Original Tattoo 83
- Removal Of Sand & Gravel Deposits 403
 - Buffer Zone 404
 - Disturbing Natural Appearance of Area 404
 - Movement of Equipment 404
 - Removal Below Water Surface 403
 - Removal of Sand & Gravel 403
- Removal Procedures 450
- Removal Requirements 87, 110
 - Approval of the Administrator 88
 - Approved Feedlots 110
 - Direct Out of State 87
 - Direct to Another Idaho Approved Feedlot 87
 - Direct to Livestock Market 87
 - Direct to Slaughter 87
 - Intact Males 87
 - Interstate Commerce 88
 - Livestock Markets 110
 - Official Adult Vaccinates 87
 - Official Calfhood Vaccinates 87
 - Slaughter 110
- Rental Of Water From The Rental Pool 388
 - Content of Approval Rental Agreements 388
 - Rental Application 388
 - Rental Priorities 388
- Rental Payments 389
 - Management of Rental Income 389
 - Rental Price 389
- Reporting 78, 95
 - Disease 78, 95
 - Test Results 78, 95
 - Vaccinations 78
- Request For Permit 28
- Request For Permit Application 27
- Requirements -- Specific Consumer Commodities, Packages, Containers 44
 - Aerosols & Similar Pressurized Containers 44
 - Combination Packages 44
 - Cylindrical Containers 44
 - Display Card Package 44
 - Eggs 44
 - Multi-Unit Packages 44
 - Variety Packages 44
- Requirements For All Brassica Seeds To Be Planted In Idaho 138
 - Exemptions 138
 - Requirements 138
- Resident Licenses -- Job Corps Students 191
- Resident Licenses -- Military Personnel -- U.S. And Foreign Nonresident Eligibility 191
- Resident 191

- Resident Licenses – Student 191
 Absent Full-time Student 191
 Temporarily Present 192
Resident Licenses And Lifetime
 Certificates 188
 Application by Telephone or
 Electronic Methods 189
 Proof of Residence 189
 Verification of Idaho
 Residency 189
Resident Lifetime Combination,
 Hunting & Fishing License
 Certificates
 Applications 189
Responsibility Of Permanent &
 Condition Defects, Potatoes 29
Restraint Facilities 115
Restricting Standards To Tablestock
 Grades, Potatoes 29
Restrictions 137
 District I 137
 District II 137
Retesting Of High-Risk Herds 99
Return Of Equipment, License Stock,
 Forms, & Supplies 250
Return Of Tags By Unsuccessful
 Hunters 232
Revocation Of Approved Buying
 Station Status 106
 Inability to Trace Animals 106
 Owner Request 106
 Recordkeeping
 Requirements 106
 Regulation Changes 106
 Violations 106
Revocation Of Approved Feedlot
 Status 88
 Disposition of Cattle & Domestic
 Bison 88
 Failure to Comply 88
 Operator Request 88
 Regulation Changes 88
Revocation Of Approved Status 111
 Dealer Request 111
 Inability to Trace Animals 111
 Recordkeeping
 Requirements 111
 Regulation Changes 111
 Violations 111
Revocation Of Certificate &
 Licenses 190
River Reaches 424
 Divisions of the Big Lost
 River 424
 Gage Station or Other Flow
 Measuring Facility 425
 River Reach Computations 425
River, Lake, & Reservoir Power & Float
 Outfitter Limits 346
Rough Bluegrass Quarantine -
 Inspections 140
 Infested Seed Stock 140
Rough Bluegrass Quarantine
 Restrictions 139
 Rough Bluegrass Regulated Area 139
 Rule For National Type Evaluation 55
 Application 55
 Certificate of Conformance 55
 Participating Laboratory 55
Rules Governing License Plates For
 Governmental Agencies & Taxing
 Districts 440
Rules Governing Planting Of Regulated
 Articles (Annual Bluegrass) 139
 Analysis Certificate 140
 Tags 139
Rules Governing Planting Of Regulated
 Articles (Annual Bluegrass))
 Requirements 139
Rural Community Investment Fund
 (RCIF) 376
 Eligible Applicants 376
 Eligible Expenses 376
 Ineligible Expenses 376
 Program Intent 376
 Review of Applications 376
- S**
- Sale & Labeling Of Gasoline Which
 Contains Oxygenates 52
 Documentation for Dispenser
 Labeling Purposes 52
 Fuel Specifications for Gasoline &
 Gasoline-Oxygenate Blends 52
 Oxygenates Content Labels 52
 Pump Labeling Requirements 52
Sale Of Female Cattle Or Domestic
 Bison That Are Not Officially
 Vaccinated 82
 Less Than Three Hundred Sixty
 Five Days of Age 82
 Over Three Hundred Sixty Five
 Days of Age 82
Sanctions For Failure To Obey Order
 Compelling Discovery 474
Sanitary Conditions 116
Sanitation, Buying Stations 108
Sanitation, Livestock Trader Lot 111
Scope 15, 19, 27, 31, 74, 92, 102, 118,
 184, 187, 238, 246, 253, 264, 368,
 372, 380, 385, 391, 423, 432, 444,
 455
Scorable Defects 22, 24
 Damage 22, 24
 Serious Damage 22, 25
Second Notice Action -- Non-
 Compliance, Potatoes 28
Seed Dealers License Fees 136
 Exemptions 136
 In-State Seed Dealers License
 Fees 136
 Out-of-State Seed Dealers License
 Fee 136
Selection 247
 Class Six Applicants 247
 Community Benefit 247
 Minimum Sales Volume 248
 Number of Existing Vendors in
 Area 247
Performance Record 248
Permanence & Accessibility 247
Surety Bond 247
Unsettled Debts 247
Violations 248
Service Limitations & Exceptions 257
 Cost Sharing Payments 257
 Medicaid Home & Community
 Based Services (HCBS) 257
 Service 257
Service Priority 257
Service Testing Fees - Miscellaneous
 Fees 135
Service Testing Fees -- Purity,
 Germination & Tetrazolium
 Fees 132
Service Testing Fees - Special
 Tests 134
Signage 108
 Color 108
 Location 108
 Wording 108
Single Draft Vehicle Weighing 55
 Coupled Combination 55
 Vehicle 55
Small Scale Mining with Suction
 Dredges, Powered Sluices, or Non-
 powered Equipment (Rule 61) 404
 Limitation of Mining Sites 404
 Permit Required for Certain Non-
 Powered Operations 404
 Powered Equipment Prohibited
 Below High Water Mark 404
 Protection of Streambanks 404
 Small Scale Mining Permit 404
 Standards for Small Scale Mining
 Permits 404
Snake River Quarantine 148
Soil & Plant Amendments 144
Special Controlled Hunts 223
 Application Fees 224
 Department Marketed
 Applications 224
 Drawing Dates 224
 General Rules 223
 Moneys 223
 Special Controlled Hunt
 Program 223
Special Controlled Hunts (SUPER
 HUNT PROGRAM) 210
 Applications 210
 Drawings 211
 Effect on Eligibility 211
 Moneys 210
 Special Controlled Hunt
 Program 210
 Tags 210
Special Military Deployment Refund &
 Rain Check 207
 Ineligible to Request License Fee
 Refund or Rain Check 208
 Ineligible to Request Tag Refund
 or Rain Check 208

Nonresident Bear or Mountain
Lion Tags 208
Refunds Will Be for the Amount
Paid 208
Request Form 208
Special Refund & Rain
Check 207
Special Refund & Rain Check
Eligibility 207
Tag Options 207
Special Weapon Seasons 227
Special Weapon Seasons –
Archery 227
Archery Only Season 227
Traditional Archery Only
Season 227
Special Weapon Seasons – Centerfire
Open Sights 229
Centerfire Open Sights Only
Season 229
Special Weapon Seasons –
Muzzleloader 228
Muzzleloader Only Season 228
Pelletized Powder 228
Sabot 228
Special Weapon Seasons – Short-Range
Weapons 228
Short-range Weapon Only
Season 228
Stay Of Agency Action 471
Subpoenas 473
Supervision of Trainees 319
Documentation 320
Supervision 320
Termination of Supervision or
Change in Supervisor 320
Supervision, Brucellosis 77
Supervision, Tuberculosis
Eradication 94
Supplementary Declarations 41
Metric System Declarations 41
Qualification of Declaration
Prohibited 41
Supplementary Quantity
Declarations 41
Surrender Of Plates 440
Sweet Cherries 20
Swine Brucellosis Eradication Area 90

T

Tag Validation & Attachment 226
Tags & Permits 195, 217
Additional Use of Nonresident
Deer & Elk Tags 217
Additional Use of Nonresident
Deer and Elk Tags 195
Statewide Hunt Area 195, 217
Use of Controlled Hunt Tags 217
Use of General Season Tags 217
Use of Tags and Permits 195
Term Of Rentals 389
Termination Of A Plan 300
Terminate a Permanent Closure
Plan 300
Terminate Upon Request of the
Operator 300
Termination or Suspension of Vendor
249
Test Eligible Cattle & Domestic Bison
In An Eradication Area 84
Unvaccinated or Vaccinated with
Brucella Abortus Strain RB 51
Vaccine 84
Testing 88
Exposed Cattle 88
MCI 88
Testing & Movement 89
Testing & Movement, Swine 90
Testing Requirements 89
Brucellosis-Free Certification of
Domestic Cervid Herds 89
Imported Domestic Swine 90
Issuance of Order for Testing,
Quarantine, or Disposal of
Domestic Cervidae 89
Semen Sold for Artificial
Insemination 90
Test Eligible Swine 90
Textile Products, Threads, & Yarns 45
Exemption -- Variety Textile
Packages 47
Sewing Threads, Handicraft
Threads, & Yarns 47
Textiles 45
Textiles -- Variations from
Declared Dimensions 46
Wearing Apparel 45
Time For Decision – Applicable Rules
Of Procedure Under Section 61-
538(3), Idaho Code 383
Timelines For Permitting Process 381
Title & Scope 216
Applicability 265
Title And Scope (Rule 1)
Scope 391
Title 391
Tolerances 23
Defects 23
Restrictions 24
Samples 24
Trader Lot Records Retention 110
Trader Lots, Cattle Subject To
Quarantine 110
Transfer & Sale of Documents Issued to
Vendors 250
Transportation Of Brassica Seeds Into &
Throughout Idaho 138
Trapping On Game Preserves &
Department-Owned Or Controlled
Lands 242
Department-Owned or Managed
Land 242
Game Preserves 242
Trapping Reports 243
Return of Reports & Permits 243
Trapping Report Completion 243
Traps 239
Checking Traps 239

Release of Non-Target
Catches 240
Removing Trapped Animals of
Another 240
Tuberculosis Emergency 96
Tuberculosis in Adjacent Area 96
Tuberculosis in Idaho 96
Tuberculosis Indemnity 96
Claims Not Allowed
Animals Sold for Slaughter 97
Attempt to Improperly Obtain
Funds 97
Calves 97
Failure to Comply 97
Illegal Imports 97
Premises Not Cleaned 97
Unapproved Test 97
Unidentified Cattle & Bison 97
Untested Animals 97
Indemnity Payments 97
Other Costs 97
Reactors That Die 97
Time Limit for Slaughter 97
Tuberculosis Testing 96
Duty to Restrain 96
Records of Tests 96
Tuberculosis Tests 95
Authorized Person 95
Tuberculin Test Interpretation 95
Types of Licenses Sold by Vendor 248

U

Unattended Vending Machines 53
Units of Measurement 54
Vending Machine Displays 53
Undercover Plate Display 441
Undercover Plate Status 442
Expiration of Plates 442
Reissue of Plates 442
Transfer of Plates 442
Unlawful Methods Of Take –
General 229
Unmanned Aircraft System (UAS) 72
Unmanned Aircraft Systems 72
Unmanned Aircraft Vehicle
(UAV) 72
Use Of Artificial Intelligence By
Parties 468
Artificial Intelligence-Generated
Evidence 469
Challenges to Artificial
Intelligence-Generated
Evidence 469
Definition of Generative Artificial
Intelligence 468
Other Uses 469
Sanctions 469
Use of Generative Artificial
Intelligence 469
Use Of Bait By A Grizzly Bear 236
Use of Bait by a Grizzly Bear 236
Use of Bait for Hunting Big Game 235
Containers 235
Establishment of Bait Sites 235

- Location 235
- Time 235
- Types 235
- Use Of Controlled Hunt Tags 199, 221
 - Black Bear 201, 223
 - Deer 200, 222
 - Elk 200, 222
 - NR Draw Tags 200
 - Pronghorn 200, 222
 - Use of Controlled Hunt Tags 199, 221
- V**
- Variations To Be Allowed 50
 - Magnitude of Permitted Variations 51
 - Packaging Variations 50
- Vehicle Dealer And 434
- Vehicle Dealer and manufacturer
 - License Plates Formats
 - Designation for Plates 434
- Vehicle Dealer License Plates
 - Restrictions 434
 - Restrictions 434
- Vehicle Dealer Loaner Plates 434
 - Fees 435
 - Letter of Authorization 435
 - Numbering 434
 - Registration Card 435
 - Surrender of Plates 435
 - Vehicle Log 435
 - Vehicle Use Donation for Civic & Charitable Events 435
- Vehicle Dealer Transporter Registration & Plate
 - Penalties 436
- Vehicle Titling 441
 - For Exempt Registration & License Plates 441
 - Undercover Vehicle Titling 441
- Vendor Classification 246
 - Class Five 246
 - Class Four 246
 - Class One 246
 - Class Six 246
 - Class Three 246
 - Class Two 246
 - Exceptional Service 246
- Vendor Location Not Movable 248
- Viability By TZ% 132
 - Bitterbrush 132
 - Indian Ricegrass 132
 - Sagebrush 132
 - Saltbush 132
 - Winterfat 132
- View Of Premises, Property, Or Things 474
 - Admitting of View Evidence 474
 - Order for View 474
- Voided & Cancelled Licenses 250
- Voiding Of Orders 478
 - Determination 479
 - Investigation 478
 - Notice 478
- Reassignment 479
- Stay 478
- Voiding of Order 479
- Voluntary Inspection Of Weighing & Measuring Instruments & Devices, Fees 35
- W**
- Water Usage 429
 - Incidental Stock Water 429
 - Winter (Non-Irrigation Season) Stock Water 430
- Wild Bison & Wild Elk 79
 - Exposure of Livestock to Wild Bison 79
 - Exposure of Livestock to Wild Elk 79
- Wild Bison 79