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02.01.03 - AIRBORNE CONTROL OF UNPROTECTED OR PREDATORY ANIMALS RULES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-102A, Idaho Code. (5-24-95)

001. TITLE AND SCOPE.

The title of this chapter is the Idaho Department of Agriculture Airborne Control of Unprotected or Predatory Animals Rules. This chapter has the following scope: these rules govern the issuance of permits for the airborne control of unprotected or predatory animals and establish the duties of permittees. The official citation of this chapter is IDAPA 02.01.03.000 through 02.01.03.999. For example, the citation for this section is IDAPA 02.01.03.001.

(5-24-95)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-24-95)

003. ADMINISTRATIVE APPEALS.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (5-24-95)

004. DEFINITIONS.

01. Airborne Control. While airborne in any aircraft, to shoot or attempt to shoot, drive off, or kill unprotected or predatory animals. (5-24-95)

02. Aircraft. Any contrivance used for flight in the air. (5-24-95)

03. Department. The Idaho Department of Agriculture. (5-24-95)

04. Director. The Director of the Idaho Department of Agriculture. (5-24-95)

05. Predatory Animal. An animal which needs to be controlled in order to protect land, water, wildlife, livestock, domesticated animals, human life, or crops. For the purpose of administering Idaho Code Section 22-102A and these rules, the following animals are designated as predatory animals: (1) coyotes; and (2) red fox. Red fox may be controlled in the areas where the Idaho Department of Fish and Game has established a year-round hunting season for red fox, and, in consultation with the Idaho Department of Fish and Game, in specific areas, outside the areas where a year-round hunting season has been established, where red fox are causing predation problems. The Director may designate additional animals as predators after consultation with the Idaho Department of Fish and Game.

(5-24-95)

06. Person. An individual, partnership, corporation, company, association, private organization or private entity of any character. (5-24-95)

07. Unprotected Animal. An animal which is not designated as protected, threatened, or endangered under federal or state law. (5-24-95)

005. -- 099. (RESERVED).

100. APPLICATION TO OBTAIN A PERMIT.

01. Airborne Control Permit Required. Any person who engages in the airborne control of unprotected or predatory animals must obtain a permit from the Department. (5-24-95)

02. Required Application Form. An application for an airborne control permit shall be on a form provided by the Department. (5-24-95)

03. Required Information on Application. The applicant shall provide all information requested on the application form, including: (5-24-95)

- a. Name and address of the applicant; (5-24-95)
- b. The purpose for the permit, specifically identifying whether the resource to be protected is land, water, wildlife, livestock, domestic animals, crops, or human life; (5-24-95)
- c. A statement regarding the threat, danger, or menace to the resource requiring protection; (5-24-95)
- d. Common name of animal to be controlled; (5-24-95)
- e. The geographic location of the property where the applicant intends to conduct airborne control; (5-24-95)
- f. Description of the aircraft to be used, including make, model, aircraft number, owner, pilot, and location where the aircraft is based; and (5-24-95)
- g. The period of time for which the permit is requested. (5-24-95)

04. Written Consent from Private Landowner Required. The applicant must submit a written document from each owner of private land on whose property the applicant plans to conduct airborne control operations indicating that the applicant has the permission of the owner to engage in such activities on that property. The applicant must also provide the name, address, and telephone number of the owner of the property from whom such permission was obtained. (5-24-95)

05. Incomplete Application. Failure to provide any of the required information for the application shall be cause for denial of a permit. (5-24-95)

101. -- 149. (RESERVED).

150. ISSUANCE OF AIRBORNE CONTROL PERMITS.

In determining whether the permit application should be granted or denied, the Director may give reasonable consideration to the following factors: (5-24-95)

01. Threat to Resource. The threat, danger, or menace to the resource requiring protection. (5-24-95)
02. Type of Control. Whether the animals are to be driven off or killed. (5-24-95)
03. Number of Permits Issued. The number of permits issued for the same type of animal in the same geographic location. (5-24-95)

151. NOTIFICATION TO FEDERAL LAND MANAGEMENT AGENCIES.

Information concerning airborne control activities authorized to be conducted under these rules will be provided to those federal land management agencies on whose land the activities are to be conducted. This provision shall not be interpreted to require a permit applicant to obtain permission from the federal land management agency to conduct airborne control activities as a condition of receiving the permit from the Department. (5-24-95)

152. -- 199. (RESERVED).

200. LIMITATIONS ON USE AND VALIDITY OF AIRBORNE CONTROL PERMITS.

01. Possession of Permits by Permittee. Permits must be in the possession of the permittee when exercising any privileges thereunder. (5-24-95)
02. Expiration of Permits. Permits will be valid from the date of issuance and will expire on June 30 of each year. (5-24-95)

03. Exclusive to Permittee. Permits are not transferable. (5-24-95)

04. Geographic Limitation. Permits are valid only for the geographic area specified. (5-24-95)

05. Changes in Application Information. Any person who has been issued a permit under the provisions of these rules shall immediately notify the Department of any changes in the information supplied in the application or any changes in the conditions under which the permit was issued. (5-24-95)

201. -- 299. (RESERVED).

300. RECORDKEEPING REQUIREMENTS.

01. Recordkeeping by Permittee. Any person who has been issued a permit under the provisions of these rules shall maintain records of airborne control activities including the following information: (5-24-95)

a. The resource protected; (5-24-95)

b. The common name of animal and number of animals controlled; (5-24-95)

c. The geographic location of the property where airborne control was conducted; and (5-24-95)

d. The specific dates on which the person was engaged in airborne control activity. (5-24-95)

02. Summary of Control Activities. A summary of all control activities, including the information specified in Section 02.01.03.300.01, shall be submitted to the Director within thirty (30) working days after the end of each calendar quarter. (5-24-95)

301. -- 399. (RESERVED).

400. PROHIBITED ACTS.

01. Prohibited Acts Defined. No person shall: (5-24-95)

a. Engage in airborne control activities without a valid airborne control permit. (5-24-95)

b. Use an airborne control permit to hunt for sport. (5-24-95)

c. Kill any type of animal different from the type of animal specified on the permit. (5-24-95)

d. Transfer an airborne control permit to another person. (5-24-95)

e. Engage in airborne control activities in a geographic area different from the area specified on the permit. (5-24-95)

f. Engage in airborne control activities after the time limit on the permit expires. (5-24-95)

401. -- 499. (RESERVED).

500. PENALTIES FOR FAILURE TO COMPLY.

01. Penalties Defined. Any person who violates any provision of these rules is subject to the following penalties: (5-24-95)

a. Pursuant to the provisions of chapter 52, title 67, Idaho Code, the Director may deny, suspend, revoke, or modify any permit requested or issued under these rules in any case in which the Director finds that the applicant or the permittee has failed to comply with the provisions of these rules. (5-24-95)

b. Pursuant to Section 22-102A, Idaho Code, any violation of these rules shall constitute a civil offense for which a civil penalty of not to exceed one thousand dollars (\$1,000) may be imposed per incident of violation. (5-24-95)

501. -- 999. (RESERVED).