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**IDAPA 02
TITLE 04
CHAPTER 25**

02.04.25 - RULES GOVERNING PRIVATE FEEDING OF BIG GAME ANIMALS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapter 2, Idaho Code. (4-6-05)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.25, "Rules Governing Private Feeding of Big Game Animals". (4-6-05)

02. Scope. These rules govern the private feeding of big game animals in areas of the state of Idaho that have been designated for regulation. The official citation of this chapter is IDAPA 02.04.25.000 et seq. For example, this Section's citation is IDAPA 02.04.25.001. (4-6-05)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (4-6-05)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (4-6-05)

004. INCORPORATION BY REFERENCE.

This chapter does not incorporate any documents by reference. (4-6-05)

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

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (4-6-05)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-6-05)

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701-0790. (4-6-05)

04. Telephone Number. The telephone number for the Division of Animal Industries at the central office is (208) 332-8540. (4-6-05)

05. Fax Number. The fax number for the Division of Animal Industries at the central office is (208) 334-4062. (4-6-05)

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Central Office of the Idaho State Department of Agriculture. (4-6-05)

007. -- 009. (RESERVED).

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter. (4-6-05)

01. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (4-6-05)

02. Big Game Animals. All wild cervidae. (4-6-05)

- 03. Brucellosis.** An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (4-6-05)
- 04. Cattle.** All bovidae, including domestic bison. (4-6-05)
- 05. Department.** The Idaho State Department of Agriculture. (4-6-05)
- 06. Director.** The director of the Idaho State Department of Agriculture or his designee. (4-6-05)
- 07. Division of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (4-6-05)
- 08. Domestic Bison.** All animals in the genus *Bison* that are owned by a person. (4-6-05)
- 09. Domestic Cervidae.** Elk, fallow deer and reindeer that are owned by a person. (4-6-05)
- 10. Emergency Feeding.** Feeding of big game animals authorized by IDFG pursuant to IDAPA 13.01.18 "Rules Governing Emergency Feeding of Antelope, Elk, and Deer of the Idaho Fish and Game Commission," and IDFG written policies. (4-6-05)
- 11. Federal Animal Health Official.** An employee of the United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (4-6-05)
- 12. Livestock.** Cattle, domestic cervidae, domestic bison, sheep, goats, camelids, and horses. (4-6-05)
- 13. Operator.** The person who has authority to manage or direct a premises or other area where livestock are fed, feed is stored, or the private feeding of big game animals may occur. (4-6-05)
- 14. Owner.** The person who owns or has financial control of livestock, premises or other areas where livestock are fed, where feed is stored, or where the private feeding of big game animals may occur. (4-6-05)
- 15. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (4-6-05)
- 16. Premises.** The ground, area, buildings, corrals, and equipment utilized to keep, hold, or maintain animals. (4-6-05)
- 17. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (4-6-05)
- 18. Supplemental Feed.** Harvested hay, grain, baled straw, or pellet rations. (4-6-05)
- 19. Wild Cervidae.** All cervidae that are not owned by a person. (4-6-05)
- 011. ABBREVIATIONS.**
- 01. IDFG.** Idaho Department of Fish and Game. (4-6-05)
- 02. ISDA.** Idaho State Department of Agriculture. (4-6-05)
- 012. -- 019. (RESERVED).**
- 020. APPLICABILITY.**

In order to prevent the spread of brucellosis and other diseases between big game animals and from big game animals to livestock, these rules apply to all persons who purposely or knowingly provide supplemental feed to big game animals within the area designated in Section 100 of these rules, except supplemental feeding activities conducted by, or emergency feeding activities authorized by IDFG. (4-6-05)

021. -- 099. (RESERVED).

100. EASTERN IDAHO BIG GAME PRIVATE FEEDING PROHIBITION ZONE.

In order to prevent the spread of brucellosis and other diseases between big game animals and from big game animals to livestock, the following portion of Idaho is designated as the eastern Idaho big game private feeding prohibition zone: (4-6-05)

- 01. Clark County.** All of Clark County east of Interstate Highway 15. (4-6-05)
- 02. Fremont County.** All of Fremont County. (4-6-05)
- 03. Teton County.** All of Teton County. (4-6-05)
- 04. Madison County.** All of Madison County. (4-6-05)
- 05. Jefferson County.** All of Jefferson County east of Interstate Highway 15. (4-6-05)
- 06. Bonneville County.** All of Bonneville County east of Interstate Highway 15. (4-6-05)
- 07. Caribou County.** All of Caribou County. (4-6-05)
- 08. Bear Lake County.** All of Bear Lake County. (4-6-05)

101. PRIVATE FEEDING OF BIG GAME ANIMALS PROHIBITED.

No person shall purposely or knowingly provide supplemental feed to big game animals within the eastern Idaho big game private feeding prohibition zone, except supplemental feeding activities conducted by, or emergency feeding activities authorized by IDFG. (4-6-05)

102. INCIDENTAL GRAZING.

Incidental grazing by big game animals on private rangeland forage, standing agricultural crops, or agricultural crop residue left on the ground following typical harvest practices shall not be considered providing supplemental feed. (4-6-05)

103. -- 119. (RESERVED).

120. INCIDENTAL FEEDING.

Incidental feeding of big game animals during the normal practice of providing feed to livestock in the winter is not a violation of this chapter, provided the owner and operator of the premises where the livestock are being fed cooperate with the ISDA, as determined by the Administrator, to facilitate conducting big game management activities that will eliminate the feeding of big game animals. (4-6-05)

121. SPATIAL SEPARATION.

When requested by the Administrator, IDFG shall cooperate with ISDA in maintaining spatial separation of livestock and big game animals. (4-6-05)

122. -- 149. (RESERVED).

150. MANAGEMENT ACTIVITIES.

When requested by the Administrator, IDFG shall assist in conducting big game management activities, which include but are not limited to: (4-6-05)

- 01. Trapping.** Trapping big game animals. (4-6-05)

- 02. Testing.** Testing big game animals for diseases. (4-6-05)
- 03. Moving Animals.** Transferring big game animals to areas where there is suitable winter habitat. (4-6-05)
- 04. Hazing.** Hazing or dispersing big game animals. (4-6-05)
- 05. Supplemental Feed.** Making supplemental feed unavailable or unpalatable to big game animals. (4-6-05)
- 06. Fencing.** Providing fencing materials to facilitate the separation of cattle and big game animals. (4-6-05)

151. ENTERING PREMISES.

State and federal animal health officials are authorized to enter premises during normal business hours, within the eastern Idaho big game private feeding prohibition zone where big game animals are being provided with supplemental feed or there is feedline contact between livestock and big game animals, to conduct big game management activities. (4-6-05)

01. Notification. ISDA shall make reasonable efforts to notify the owner or operator of any premises prior to entry for the purpose of conducting big game management activities. (4-6-05)

02. Cooperation. The owner or operator of a premises shall cooperate with ISDA in developing plans for conducting big game management activities. (4-6-05)

152. -- 989. (RESERVED).

990. PENALTIES FOR VIOLATIONS.

Any person who violates the provisions of this chapter is subject to the penalties provided in Section 25-219, Idaho Code. (4-6-05)

991. -- 994. (RESERVED).

995. MINOR VIOLATIONS.

Nothing in this chapter shall be construed as requiring ISDA to report minor violations when ISDA believes that the public interest will be best served by suitable warnings or other administrative action. (4-6-05)

996. -- 999. (RESERVED).

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