

Table of Contents

13.01.06 - Classification and Protection of Wildlife

| | |
|---|---|
| 000. Legal Authority. | 2 |
| 001. Title And Scope. | 2 |
| 002. Written Interpretations. | 2 |
| 003. Administrative Appeal. | 2 |
| 004. Incorporation By Reference. | 2 |
| 005. Office -- Office Hours -- Mailing Address And Street Address. | 2 |
| 006. -- 099. (Reserved). | 2 |
| 100. Classification Of Wildlife. | 2 |
| 101. -- 149. (Reserved). | 6 |
| 150. Threatened Or Endangered Species. | 6 |
| 151. -- 199. (Reserved). | 7 |
| 200. Protected Nongame Species. | 7 |
| 201. Predatory Wildlife. | 8 |
| 202. -- 249. (Reserved). | 8 |
| 250. Unprotected Wildlife. | 8 |
| 251. -- 299. (Reserved). | 8 |
| 300. Protection Of Wildlife. | 8 |
| 301. -- 999. (Reserved). | 8 |

**IDAPA 13
TITLE 01
CHAPTER 06**

13.01.06 - CLASSIFICATION AND PROTECTION OF WILDLIFE

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-201, Idaho Code, to adopt rules concerning the taking of wildlife species and the classification of all wildlife in the state of Idaho. (4-6-05)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.06.000, et seq., Rules of the Idaho Fish and Game Commission, IDAPA 13.01.06, "Rules Governing Classification and Protection of Wildlife." (4-6-05)

02. Scope. These rules establish the classification and protection of wildlife. (4-6-05)

002. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of these rules. (4-6-05)

003. ADMINISTRATIVE APPEAL.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission," and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-6-05)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (4-6-05)

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

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho, and is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is P.O. Box 25, Boise, Idaho 83707. (4-6-05)

006. -- 099. (RESERVED).

100. CLASSIFICATION OF WILDLIFE.

- 01. Big Game Animals.** (7-1-93)
 - a.** Black bear -- *Ursus americanus*. (7-1-93)
 - b.** California bighorn sheep -- *Ovis canadensis californiana*. (7-1-93)
 - c.** Elk -- *Cervus elaphus*. (7-1-93)
 - d.** Gray wolf -- *Canis lupus* (4-6-05)
 - e.** Moose -- *Alces alces*. (7-1-93)
 - f.** Mountain goat -- *Oreamnos americanus*. (7-1-93)
 - g.** Mountain lion -- *Puma concolor*. (4-6-05)
 - h.** Mule deer -- *Odocoileus hemionus*. (7-1-93)
 - i.** Pronghorn antelope -- *Antilocapra americana*. (7-1-93)
 - j.** Rocky Mountain bighorn sheep -- *Ovis canadensis canadensis*. (7-1-93)

- k. White-tailed deer -- *Odocoileus virginianus*. (7-1-93)
- 02. **Upland Game Animals.** (7-1-93)
 - a. Mountain cottontail -- *Sylvilagus nuttallii*. (4-6-05)
 - b. Pygmy rabbit -- *Brachylagus idahoensis*. (7-1-93)
 - c. Snowshoe hare -- *Lepus americanus*. (7-1-93)
- 03. **Game Birds.** Game birds includes both upland game birds and migratory game birds. (7-1-93)
 - a. Upland Game Birds. (7-1-93)
 - i. Pheasants: Chinese or ring-necked pheasant *Phasianus colchicus*; Mongolian pheasant; mutant pheasant; Japanese green pheasant; or any hybrids thereof-*Phasianus spp.* (4-6-05)
 - ii. Partridge: gray (Hungarian) partridge, *Perdix perdix*; chukar, *Alectoris chukar*; and Red-legged partridge, *Alectoris rufa*. (4-6-05)
 - iii. Quail: northern bobwhite, *Colinus virginianus*; California quail, *Callipepla californica*; mountain quail, *Oreortyx pictus*; and Gambel's quail, *Callipepla gambelii*. (7-1-93)
 - iv. Grouse: Blue grouse, *Dendragapus obscurus*; ruffed grouse, *Bonasa umbellus*; spruce grouse, *Falcipennis canadensis*; Greater sage grouse, *Centrocercus urophasianus*; and Columbian sharp-tailed grouse, *Tympanuchus phasianellus columbianus*. (4-6-05)
 - v. Wild turkey: Rio Grande, *Meleagris gallopavo intermedia*; Merriam's, *M. g. merriam*; and Eastern, *M. g. silvestris*. (4-6-05)
 - b. Migratory Game Birds: (7-1-93)
 - i. American coot, *Fulica americana*. (4-6-05)
 - ii. Mourning dove, *Zenaida macroura*. (4-6-05)
 - iii. Ducks: American black duck, *Anas rubripes*; bufflehead, *Bucephala albeola*; canvasback, *Aythya valisineria*; gadwall, *Anas strepera*; Barrow's goldeneye, *Bucephala islandica*; common goldeneye, *Bucephala clangula*; harlequin duck, *Histrionicus histrionicus*; mallard, *Anas platyrhynchos*; common merganser, *Mergus merganser*; hooded merganser, *Lophodytes cucullatus*; red-breasted merganser, *Mergus serrator*; long-tailed duck, *Clangula hyemalis*; northern pintail, *Anas acuta*; redhead, *Aythya americana*; ring-necked duck, *Aythya collaris*; ruddy duck, *Oxyura jamaicensis*; greater scaup, *Aythya marila*; lesser scaup, *Aythya affinis*; surf scoter, *Melanitta perspicillata*; white-winged scoter, *Melanitta fusca*; northern shoveler, *Anas clypeata*; blue-winged teal, *Anas discors*; cinnamon teal, *Anas cyanoptera*; green-winged teal, *Anas crecca*; American wigeon, *Anas americana*; Eurasian wigeon, *Anas penelope*; and wood duck, *Aix sponsa*. (4-6-05)
 - iv. Geese: Brant, *Branta bernicla*; Canada goose, *Branta canadensis*; emperor goose, *Chen canagica*; Ross's goose, *Chen rossii*; snow goose, *Chen caerulescens*; and greater white-fronted goose, *Anser albifrons*. (4-6-05)
 - v. Swans: Trumpeter swan, *Cygnus buccinator*; and Tundra swan, *Cygnus columbianus*. (4-6-05)
 - vi. Wilson's snipe -- *Gallinago delicata*. (4-6-05)
 - vii. Greater Sandhill Crane: *Grus canadensis*. (4-6-05)

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| c. | American Crow -- <i>Corvus brachyrhynchos</i> . | (4-6-05) |
| 04. | Game Fish. Game fish includes the following fish, bullfrog and crayfish: | (2-23-94) |
| a. | American shad -- <i>Alosa sapidissim</i> . | (7-1-93) |
| b. | Arctic grayling -- <i>Thymallus arcticus</i> . | (7-1-93) |
| c. | Atlantic salmon -- <i>Salmo salar</i> . | (7-1-93) |
| d. | Bear Lake cutthroat trout -- <i>Oncorhynchus clarki sp.</i> | (4-6-05) |
| e. | Bear Lake whitefish -- <i>Prosopium abyssicola</i> . | (7-1-93) |
| f. | Black bullhead -- <i>Ameirus melas</i> . | (4-6-05) |
| g. | Black crappie -- <i>Pomoxis nigromaculatus</i> . | (7-1-93) |
| h. | Blue catfish -- <i>Ictalurus furcatus</i> . | (4-6-05) |
| i. | Blueback trout -- <i>Salvelinus alpinus oquassa</i> . | (4-6-05) |
| j. | Bluegill -- <i>Lepomis macrochirus</i> . | (7-1-93) |
| k. | Bluegill/Pumpkinseed -- <i>L. macrochirus x L. gibbosus</i> hybrid. | (4-6-05) |
| l. | Bonneville cisco -- <i>Prosopium gemmiferum</i> . | (7-1-93) |
| m. | Bonneville cutthroat trout -- <i>Oncorhynchus clarki utah</i> . | (4-6-05) |
| n. | Bonneville whitefish -- <i>Prosopium spilonotus</i> . | (7-1-93) |
| o. | Brook trout -- <i>Salvelinus fontinalis</i> . | (7-1-93) |
| p. | Brown bullhead -- <i>Ameirus nebulosus</i> . | (4-6-05) |
| q. | Brown trout -- <i>Salmo trutta</i> . | (7-1-93) |
| r. | Bull trout -- <i>Salvelinus confluentus</i> . | (7-1-93) |
| s. | Bullfrog -- <i>Rana catesbeiana</i> . | (7-1-93) |
| t. | Burbot, Ling -- <i>Lota lota</i> . | (7-1-93) |
| u. | California golden trout -- <i>Oncorhynchus mykiss aguabonita</i> . | (4-6-05) |
| v. | Channel catfish -- <i>Ictalurus punctatus</i> . | (7-1-93) |
| w. | Chinook salmon -- <i>Oncorhynchus tshawytscha</i> . | (7-1-93) |
| x. | Coho salmon -- <i>Oncorhynchus kisutch</i> . | (7-1-93) |
| y. | Crayfish -- <i>Pacifastacus sp.</i> (3 species). | (2-23-94) |
| z. | Cutthroat trout -- <i>Oncorhynchus clarki</i> . | (7-1-93) |
| aa. | Finespotted cutthroat trout (Snake River) -- <i>Oncorhynchus clarki sp.</i> | (4-6-05) |

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| bb. | Flathead catfish -- <i>Pylodictis olivaris</i> . | (7-1-93) |
| cc. | Green sunfish -- <i>Lepomis cyanellus</i> . | (7-1-93) |
| dd. | Kokanee -- <i>Oncorhynchus nerka kennealyi</i> . | (4-6-05) |
| ee. | Lahotan cutthroat trout -- <i>Oncorhynchus clarki henshawi</i> . | (4-6-05) |
| ff. | Lake trout, Mackinaw -- <i>Salvelinus namaycush</i> . | (7-1-93) |
| gg. | Lake whitefish -- <i>Coregonus clupeaformis</i> . | (7-1-93) |
| hh. | Largemouth bass -- <i>Micropterus salmoides</i> . | (7-1-93) |
| ii. | Mountain whitefish -- <i>Prosopium williamsoni</i> . | (7-1-93) |
| jj. | Northern pike -- <i>Esox lucius</i> . | (7-1-93) |
| kk. | Pumpkinseed -- <i>Lepomis gibbosus</i> . | (7-1-93) |
| ll. | Pygmy whitefish -- <i>Prosopium coulteri</i> . | (7-1-93) |
| mm. | Rainbow trout -- <i>Oncorhynchus mykiss</i> . | (7-1-93) |
| nn. | Redband trout -- <i>Oncorhynchus mykiss gairdneri</i> . | (4-6-05) |
| oo. | Rainbow/cutthroat trout -- <i>O. mykiss</i> x <i>O. clarki</i> hybrid. | (2-23-94) |
| pp. | Sauger -- <i>Stizostedion canadense</i> . | (7-1-93) |
| qq. | Smallmouth bass -- <i>Micropterus dolomieu</i> . | (4-6-05) |
| rr. | Splake -- <i>S. namaycush</i> x <i>S. fontinalis</i> hybrid. | (2-23-94) |
| ss. | Sockeye salmon -- <i>Oncorhynchus nerka</i> . | (4-6-05) |
| tt. | Steelhead trout -- <i>Oncorhynchus mykiss gairdneri</i> . | (4-6-05) |
| uu. | Tiger muskie -- <i>Esox lucius</i> x <i>Esox masquinongy</i> hybrid. | (7-1-93) |
| vv. | Walleye -- <i>Stizostedion vitreum</i> . | (7-1-93) |
| ww. | Warmouth -- <i>Lepomis gulosus</i> . | (7-1-93) |
| xx. | Westslope cutthroat trout -- <i>Oncorhynchus clarki lewisi</i> . | (4-6-05) |
| yy. | White crappie -- <i>Pomoxis annularis</i> . | (7-1-93) |
| zz. | White sturgeon -- <i>Acipenser transmontanus</i> . | (7-1-93) |
| aaa. | Yellow bullhead -- <i>Ameiurus natalis</i> . | (4-6-05) |
| bbb. | Yellow perch -- <i>Perca flavescens</i> . | (7-1-93) |
| ccc. | Yellowstone cutthroat trout -- <i>Oncorhynchus clarki bouvieri</i> . | (4-6-05) |

- 05. Furbearing Animals.** (7-1-93)
- a.** American badger -- *Taxidea taxus*. (4-6-05)
 - b.** American marten -- *Martes americana*. (4-6-05)
 - c.** American mink -- *Mustela vison*. (4-6-05)
 - d.** Beaver -- *Castor canadensis*. (7-1-93)
 - e.** Bobcat -- *Lynx rufus*. (4-6-05)
 - f.** Canada lynx -- *Lynx canadensis*. (4-6-05)
 - g.** Common muskrat -- *Ondatra zibethicus*. (4-6-05)
 - h.** Common raccoon -- *Procyon lotor*. (4-6-05)
 - i.** Fisher -- *Martes pennanti*. (7-1-93)
 - j.** Northern river otter -- *Lontra canadensis*. (4-6-05)
 - k.** Red fox -- *Vulpes vulpes*-includes all color phases found in Idaho. (7-1-93)
- 101. -- 149. (RESERVED).**
- 150. THREATENED OR ENDANGERED SPECIES.**
- 01. Definitions.** (7-1-93)
 - a.** Endangered: Any native species in danger of extinction throughout all or a significant portion of its Idaho range. (4-6-05)
 - b.** Threatened Species: Any native species likely to be classified as Endangered within the foreseeable future throughout all or a significant portion of its Idaho range. (4-6-05)
 - 02. Endangered Species.** (7-1-93)
 - a.** Burbot, Ling -- *Lota lota*. (4-6-05)
 - b.** Pacific lamprey -- *Lampetra tridentata*. (7-1-93)
 - c.** Sockeye salmon -- *Oncorhynchus nerka*. (7-1-93)
 - d.** White sturgeon (Kootenai River population) -- *Acipenser transmontanus*. (7-1-93)
 - e.** Woodland caribou -- *Rangifer tarandus caribou*. (4-6-05)
 - 03. Threatened Species.** (7-1-93)
 - a.** Bald eagle -- *Haliaeetus leucocephalus*. (4-6-05)
 - b.** Bull trout -- *Salvelinus confluentus*. (7-1-93)
 - c.** Canada lynx -- *Lynx canadensis*. (4-6-05)
 - d.** Chinook salmon, spring, summer, and fall -- *Oncorhynchus tshawytscha*. (4-6-05)

- e. Grizzly bear -- *Ursus arctos horribilis*. (4-6-05)
 - f. Northern Idaho ground squirrel -- *Spermophilus brunneus brunneus*. (4-6-05)
 - g. Peregrine falcon -- *Falco peregrinus*. (4-6-05)
 - h. Steelhead trout (Snake River) -- *Oncorhynchus mykiss gairdneri*. (4-6-05)
151. -- 199. (RESERVED).
200. PROTECTED NONGAME SPECIES.
- 01. Mammals. (7-1-93)
 - a. American pika -- *Ochotona princeps*. (4-6-05)
 - b. Bats -- all species (4-6-05)
 - c. Chipmunks -- *Neotamias spp.* (4-6-05)
 - d. Columbia Plateau (Merriam's) ground squirrel -- *Spermophilus canus vigilis*. (4-6-05)
 - e. Golden-mantled ground squirrel -- *Spermophilus lateralis*. (7-1-93)
 - f. Great Basin (piute) ground squirrel -- *Spermophilus canus vigilis*. (4-6-05)
 - g. Kit fox -- *Vulpes macrotis*. (7-1-93)
 - h. North American wolverine -- *Gulo gulo luscus*. (4-6-05)
 - i. Northern flying squirrel -- *Glaucomys sabrinus*. (7-1-93)
 - j. Red squirrel -- *Tamiasciurus hudsonicus*. (7-1-93)
 - k. Rock squirrel -- *Spermophilus variegatus*. (4-6-05)
 - l. Southern Idaho ground squirrel -- *Spermophilus brunneus endemicus*. (4-6-05)
 - m. Wyoming ground squirrel -- *Spermophilus elegans nevadensis*. (4-6-05)
 - 02. Birds. All native species. Except: (4-6-05)
 - a. Game birds. (7-1-93)
 - b. Threatened or endangered wildlife. (7-1-93)
 - 03. Amphibians. All native species (4-6-05)
 - 04. Reptiles. All native species. (4-6-05)
 - 05. Fish. (4-6-05)
 - a. Bear Lake sculpin -- *Cottus extensus*. (4-6-05)
 - b. Leatherside chub -- *Gila copei*. (4-6-05)

- c. Sand roller -- *Percopsis transmontana*. (4-6-05)
 - d. Shoshone sculpin -- *Cottus greenei*. (4-6-05)
 - e. Wood River sculpin -- *Cottus leiopomus*. (4-6-05)
- 201. PREDATORY WILDLIFE.**
- 01. Coyote.** *Canis latrans*. (7-1-93)
 - 02. Jackrabbit.** *Lepus townsendii* and *L. californicus*. (7-1-93)
 - 03. Long-Tailed and Short-Tailed Weasel, Ermine.** *Mustela frenata*, *Mustela erminea*. (4-6-05)
 - 04. Skunk.** *Mephitis mephitis* and *Spilogale gracilis*. (7-1-93)
 - 05. Starling.** *Sturnus vulgaris*. (7-1-93)
- 202. -- 249. (RESERVED).**
- 250. UNPROTECTED WILDLIFE.**
Unprotected Wildlife includes all wildlife not classified in the preceding categories. (7-1-93)
- 251. -- 299. (RESERVED).**
- 300. PROTECTION OF WILDLIFE.**
- 01. Game Species.** Those species of wildlife classified as Big Game Animals, Upland Game Animals, Game Birds, Migratory Birds, Game Fish, Crustacea, or Furbearing Animals may be taken only in accordance with Idaho law and rules established by the Idaho Fish and Game Commission. (4-6-05)
 - 02. Protected Nongame and Threatened or Endangered Species.** No person shall take or possess those species of wildlife classified as Protected Nongame, or Threatened or Endangered at any time or in any manner, except as provided in Sections 36-106(e) and 36-1107, Idaho Code, by Commission rule, or IDAPA 13.01.10, "Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife," Subsection 100.06.b. Protected Nongame status is not intended to prevent unintentional take of these species, protection of personal health and/or safety, limit property and building management, or prevent management of animals to address public health concerns or agricultural damage. (4-6-05)
 - 03. Unprotected and Predatory Wildlife.** Those species of wildlife classified as Unprotected Wildlife and Predatory Wildlife may be taken in any amount, at any time, and in any manner not prohibited by state or federal law, by holders of the appropriate valid Idaho hunting, trapping, or combination hunting and fishing licenses, provided such taking is not in violation of state, county, or city laws, ordinances, or regulations. (7-1-93)
- 301. -- 999. (RESERVED).**

Subject Index

B

Big Game Animals, Classification 2
Birds, Protected Nongame Species 7

C

Classification Of Wildlife 2

E

Endangered Species 6

F

Furbearing Animals, Classification 6

G

Game Birds, Classification 3
Game Fish, Classification 4
Game Species 8

M

Mammals, Protected Nongame
Species 7

P

Protected Nongame & Threatened or
Endangered Species 8
Protected Nongame Species 7
Protection Of Wildlife 8

T

Threatened Or Endangered Species 6
Threatened Species 6

U

Unprotected & Predatory Wildlife 8
Unprotected Wildlife 8
Upland Game Animals,
Classification 3