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**IDAPA 13
TITLE 01
CHAPTER 07**

13.01.07 - RULES GOVERNING THE TAKING OF UPLAND GAME ANIMALS

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-1101(b), Idaho Code, to adopt rules concerning the taking of upland game animals. (5-3-03)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.07.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.07, "Rules Governing the Taking of Upland Game Animals." (5-3-03)

02. Scope. These rules establish the methods of take, seasons, and possession limits for upland game animals. (5-3-03)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written statements which pertain to the interpretation of the rules of this chapter or to the documentation of compliance with the rules of this chapter are available for public inspection and copying at cost at the headquarters office at 600 South Walnut, Boise, Idaho. (5-3-03)

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 13.01.01, "Rules of Practice and Procedure of the Idaho Fish and Game Commission." (5-3-03)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (5-3-03)

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

The principal place of business of the Department of Fish and Game is in Boise, Idaho. The office is located at 600 South Walnut, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: P.O. Box 25, Boise, Idaho 83707. (5-3-03)

006. -- 009. (RESERVED).

010. DEFINITIONS.

Upland game animals shall include the following species: (7-1-93)

01. Cottontail Rabbit. *Sylvilagus nuttallii*. (7-1-93)

02. Pygmy Rabbit. *Sylvilagus idahoensis*. (7-1-93)

03. Snowshoe Hare. *Lepus americanus*. (7-1-93)

011. -- 099. (RESERVED).

100. METHODS OF TAKE.

No person shall take upland game animals: (7-1-93)

01. Time. From one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise. (7-1-93)

02. Type. With a trap, snare, net, or shotgun using shotgun shells exceeding three and one-half (3 1/2) inches in length. (7-1-93)

03. Electronic Call. By the use or aid of any electronic call. (7-1-93)

101. MOTORIZED VEHICLE USE RESTRICTIONS.

The use of motorized vehicles by hunters as an aid to hunting upland game animals 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. (4-6-05)

01. Use Restriction. In designated areas and hunts, hunters may only use motorized vehicles on established roadways which are open to motorized traffic and capable of being traveled by full-sized automobiles. Any other use by hunters is prohibited. All off-road use by hunters is prohibited. (4-6-05)

02. Exceptions. This use restriction rule shall not apply to the following permissible motorized vehicle uses: (4-6-05)

a. Holders of a valid Handicapped Persons Motor Vehicle Hunting Permit may use a motorized vehicle as allowed by the land owner or manager. (4-6-05)

b. Hunters may use a motorized vehicle to retrieve downed game if such travel is allowed by the land owner or manager. (4-6-05)

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 shall not hunt while packing camping equipment. (4-6-05)

d. Private landowners, their authorized agents and persons with written landowner permission may use a motorized vehicle on their private land; however, they may not hunt from or by the use of any motorized vehicle as prohibited by Section 36-1101(b)(1), Idaho Code. (4-6-05)

03. Restricted Areas and Hunts. This motorized vehicle use restriction shall apply to identified areas and hunts in all Big Game Management Units. The hunts and areas with a motorized vehicle use restriction are identified in the Commission's Big Game Season Proclamation and Upland Game Season Proclamation, which are published in a brochure available at department offices and license vendors. (4-6-05)

04. Defined Terms. (4-6-05)

a. A full-sized automobile shall be defined as any motorized vehicle with a gross weight in excess of one thousand five hundred (1,500) pounds. (4-6-05)

b. An established roadway shall be defined as any road that is established, built, maintained, approved or designated by any governmental entity or private landowner for the purpose of 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. (4-6-05)

c. A hunter shall be defined as a person engaged in the activity of hunting as defined in Section 36-202(j), Idaho Code. (4-6-05)

102. -- 199. (RESERVED).

200. AREAS CLOSED TO HUNTING OF UPLAND GAME ANIMALS.

Hunting, killing, or molesting upland game animals is prohibited in the following areas: (7-1-93)

01. Craters of the Moon. That area of Craters of the Moon National Monument in Blaine and Butte Counties prior to the November 2000 expansion of the Monument by Presidential decree. It is the hunter's responsibility to check with the Park Service to be able to identify the closed area. (4-6-05)

02. Harriman State Park. Harriman State Park Wildlife Refuge In Fremont County. (7-1-93)

03. Nez Perce National Historical Park. Nez Perce National Historical Park in Clearwater, Idaho, and Nez Perce Counties; (7-1-93)

04. Ada County. That portion of Ada County within Veterans Memorial Park and the area between State Highway 21, Warm Springs Avenue, and the New York Canal from the New York Canal Diversion Dam downstream to the Boise City limits; (5-3-03)

05. Yellowstone National Park. Yellowstone National Park in Fremont County; and (7-1-93)

06. Mann's Lake. Mann's Lake in Nez Perce County and extending three hundred (300) yards beyond the Bureau of Reclamation property that encompasses the lake. (4-6-05)

07. Other. On any of those portions of federal refuges, State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which bird hunting closures have been declared by legislative or Commission action. (7-1-93)

201. -- 299. (RESERVED).

300. WOUNDING - RETRIEVING.

No person shall wound or kill any upland game animal without making a reasonable effort to retrieve it and reduce it to possession. Every upland game animal wounded by hunting and reduced to possession shall immediately be killed and become a part of the daily bag limit. (7-1-93)

301. -- 399. (RESERVED).

400. UPLAND GAME ANIMALS SEASONS, BAG AND POSSESSION LIMITS.

Pursuant to Section 36-105(3), Idaho Code, the Commission now sets seasons, bag limits, and possession limits by proclamation. The proclamation is published in a brochure available at Department offices and license vendors. (4-6-05)

401. -- 999. (RESERVED).

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