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**IDAPA 13
TITLE 01
CHAPTER 03**

**13.01.03 - PUBLIC USE OF LANDS OWNED OR CONTROLLED BY
THE DEPARTMENT OF FISH AND GAME**

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-104(b) and 36-104(7), Idaho Code, to adopt rules concerning the public use of lands owned or controlled by the Department of Fish and Game. (5-3-03)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.03.000, et seq., Idaho Fish and Game Commission Rules IDAPA 13.01.03, "Public Use of Lands Owned or Controlled by the Department of Fish and Game." (5-3-03)

02. Scope. These rules establish the public use of lands that are owned or controlled by the Department of Fish and Game. (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.

01. Access Area. Real property which is owned or controlled by the Idaho Department of Fish and Game to provide the public access to public lands and waters. (7-1-93)

02. Department Lands and Access Areas. Real property, which is owned or controlled by the Idaho Department of Fish and Game, which is managed for public recreation and for the protection, maintenance, and enhancement of fish and wildlife. (7-1-93)

03. Floating Device. Every description of watercraft, including a seaplane used on water or capable of being used as a means of transportation on or in the water. (7-1-93)

04. Motorized Vehicle. Any water, land, or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power. (7-1-93)

05. Sanctuary Area. Refers to any portion of a Wildlife Management Area which is posted as closed to fishing, hunting or trapping, or entry by the public for any other purpose. (7-1-93)

06. Snow Machine. Any self-propelled vehicle designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners. (7-1-93)

07. Unattended. As it pertains to decoys shall mean to be over one hundred (100) yards from the decoys for a period of more than one-half (1/2) hour. (7-1-93)

011. -- 099. (RESERVED).

100. PUBLIC USE RESTRICTIONS.

01. Activities Prohibited Without Director Authorization. Except as specifically approved by the Director as an exception or for administrative purposes, the following activities are PROHIBITED on all lands, waters, and roads under control or administration of the Department: (7-1-93)

a. To enter, use, or occupy lands or water when said lands are posted against such entry, use, or occupancy. (7-1-93)

b. To camp, park a vehicle and/or a trailer in any area posted against such use or to leave unattended a camp, vehicle, and/or trailer for more than forty-eight (48) hours or to camp or park a vehicle and/or trailer for more than ten (10) consecutive days in any thirty (30) day period in any designated area; except shorter periods may be set and posted for specific areas by the appropriate regional supervisor. (7-1-99)

c. To operate any motorized vehicles, including snow machines, except on established roads. Operation of vehicles on established roads is prohibited when posted against such use. (7-1-93)

d. To use floating devices, with or without motors, on any waters which are posted against such use. (7-1-93)

e. To start a fire without taking necessary measures to prevent its spreading or to leave a fire unattended. All fires are prohibited in areas posted against their use. (7-1-93)

f. To use any form of fireworks or explosives at any time. (7-1-93)

g. To permit dogs or other domestic animals to run at large when the owner or guardian is not present to control or care for them. (7-1-93)

h. To conduct bird dog field trials of any type during the period October 1 through July 31. All bird-dog field trials and bird-dog training with the use of artificially propagated game birds between August 1 and September 30 will be under department permit as authorized by the director under the rules set forth in IDAPA 13.01.15, "Rules Governing the Use of Dogs," Section 300. (5-3-03)

i. To construct blinds, pits, platforms, or tree stands where the soil is disturbed, trees are cut or altered, and artificial fasteners, such as wire, rope, or nails are used. All blinds shall be available to the public on a "first-come - first-served" basis. (7-1-93)

j. To release or abandon any domestic or exotic fish, birds, mammals, amphibians, or reptiles. (7-1-93)

k. To 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 shall not be construed as limiting the powers of other agencies or irrigation districts as provided by statutory law or rule. (7-1-93)

l. To discard dead fish, birds, animals, or parts thereof, human excrement, waste water, metallic cans, bottles, plastic or paper cartons, yard and agricultural wastes, garbage, machines, appliances, or other litter on or in any lands or waters. (7-1-93)

m. To remove, destroy, mutilate, modify, or deface any building or other structure, water control

device, fence, gate, poster, notice, sign, survey or section marker, or any object of archaeological, geological, or historical value or interest. (7-1-93)

n. To discharge any firearm within, across, or into posted safety zones. (7-1-93)

o. To leave decoys unattended. Decoys cannot be put in place any earlier than two (2) hours prior to official shooting hours for waterfowl and all decoys must be picked up and removed from the hunting site no later than two (2) hours after official shooting hours for waterfowl that particular day. (7-1-93)

02. Activities Prohibited Without Other Authorization. Unless specifically authorized by the Commission, or under lease, permit, contract, or agreement, issued by the Director, Regional Supervisor, or authorized agent, the following activities are PROHIBITED: (7-1-93)

a. To disturb or remove any soils, gravel, or minerals. (7-1-93)

b. To turn domestic livestock into, or allow said animals to graze or trail on or across Department lands, except riding and pack animals may be used in association with hunting and for recreational uses or as posted. (7-1-93)

c. To cut, dig, or remove any crops, trees, shrubs, grasses, forbs, logs, or fuel wood. (7-1-93)

d. To place, maintain, or store any beehives or bee boards. (7-1-93)

e. To use lands for any commercial purpose. (7-1-93)

f. To exercise or train any dogs in posted areas or during periods closed to such uses. In conjunction with authorized field trials, participants may train dogs in the designated area one (1) day prior to and one (1) day following the trial. (7-1-93)

g. To prospect or drill for oil and gas on any state owned Wildlife Management Area or other property under the supervision of the Fish and Game Department. (7-1-93)

101. -- 999. (RESERVED).

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