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**IDAPA 13
TITLE 01
CHAPTER 10**

**13.01.10 – RULES GOVERNING THE IMPORTATION, POSSESSION,
RELEASE, SALE, OR SALVAGE OF WILDLIFE**

000. LEGAL AUTHORITY.

The Idaho and Game Commission is authorized under Sections 36-103, 36-104(b), 36-501, and 36-504, Idaho Code, to adopt rules concerning the importation, possession, release, sale, or salvage of wildlife in the state of Idaho. (7-1-99)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.10.000, et seq., Rules of the Idaho Fish and Game Commission, IDAPA 13.01.10, “Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife.” (7-1-99)

02. Scope. These rules establish the protection of wildlife in the state of Idaho from illegal importation, possession, release, sale, or salvage. (7-1-99)

002. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of these rules. (7-1-99)

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.” (7-1-99)

004. -- 009. (RESERVED)

010. DEFINITIONS.

01. Commercial Wildlife Farm. Any facility where the operator obtains or possesses big game animals or breeds big game animals to produce young for any commercial purpose. Such facilities require a license and/or permit from the Idaho Department of Agriculture, United States Department of Agriculture Animal and Plant Health Inspection Service (USDA APHIS) where applicable. (7-1-99)

02. Private Park. Any facility where the operator obtains, possesses or, propagates big game animals for his own personal pleasure but not for any commercial purpose. Such facilities require a license. (7-1-99)

03. Wildlife. As defined in Section 36-202, Idaho Code. (3-23-94)

04. Bona Fide Pet Store. A legitimate retail store with a set location and regular business hours. (7-1-99)

05. Big Game Animal. As classified in IDAPA 13.01.06, “Classification and Protection of Wildlife.” (3-23-94)

06. Agriculture or Domestic Fish. Shall include only rainbow trout (all color phases), coho salmon and blue or channel catfish. (3-23-94)

07. Agriculture or Domestic Animals. Shall not include any species of wildlife as defined by Section 36-202, Idaho Code. (3-23-94)

08. Game Bird. As defined by IDAPA 13.01.06, “Classification and Protection of Wildlife.” (3-23-94)

09. Commercial Wildlife Facility. Any facility where the operator obtains, possesses, or propagates

wildlife for any commercial purpose, including exhibition, education, entertainment, or sale. A commercial wildlife farm is included in this definition. Such facilities require a facility license. (7-1-99)

10. Not Permanently Located Within the State of Idaho. A traveling circus, menagerie, or trained act of wild animals which shall not be located within the state of Idaho more than two (2) months out of any calendar year. (7-1-99)

11. Traveling Circus, Menagerie, or Trained Act of Wild Animals. Any mobile display or exhibit of wildlife maintained for instructional, educational, entertainment, or other commercial purposes. (7-1-99)

12. Publicly Owned Zoo or Wildlife Exhibit. Any facility owned by any municipal, county, state, or federal agency. (7-1-99)

011. -- 099. (RESERVED)

100. PERMITS, REQUIREMENTS FOR IMPORT, EXPORT, TRANSPORT, RELEASE, AND SALE.

No person shall import, export, transport into or cause to be transported within, release or sell within the state of Idaho any living wildlife including wildlife eggs without having first obtained a permit from, and on a form prescribed by, the Director of the Idaho Department of Fish and Game. However, no permit shall be issued by the Director for such importation, transportation or release or sale if the wildlife or eggs thereof would pose a threat to wildlife in the state of Idaho either through threat of disease, genetic contamination or displacement of, or competition with existing species and provided that: (4-7-11)

01. Import, Export, Transport, or Sell Restrictions. No permit shall be required from the Department of Fish and Game to import, export, transport or sell the following: (3-23-94)

a. Animals or their eggs normally considered to be of agricultural or domestic types currently common to Idaho which shall not include any wildlife. (3-23-94)

b. Mammals classified as furbearers by the Idaho Fish and Game Commission, and that are to be used for purposes provided for in Chapter 30 of Title 25, Idaho Code. (3-23-94)

c. Ornamental or tropical aquarium fish of varieties commonly accepted for interstate shipment, but not including green sturgeon (*Acipenser medirostris*), white sturgeon (*Acipenser transmontanus*), walking catfish (family *Clariidae*), bowfin (*Amia calva*), gar (family *Lepiostidae*), piranhas (*Serrasalmus* sp., *Rosseveltella* sp. *Pygocentrus* sp.), rudd (*Scardinius erythrophthalmus*), Ide (*Leuciscus idus*), grass carp (*Ctenopharyngodon idella*), and snakeheads or china fish (*Channa* sp.). (3-23-94)

d. Animals commonly considered to be conventional household pets, including sugar glider (*Petaurus breviceps*) and African hedgehog (*Atelerix albiventris*). (7-1-99)

e. Birds classified as game birds that are produced in captivity and lawfully obtained as shown by proof maintained and presented in accordance with Section 36-709 Idaho Code. (3-23-94)

02. Fish Legally Taken. No permit shall be required to keep game fish legally taken, other than salmon or steelhead, alive and in possession in a live well or net or on a stringer in or on the body of water from which they were taken. (7-1-93)

03. Commercial Fish Facility. No permit shall be required to possess fish from a commercial fish facility when accompanied by sales receipt as provided in Chapter 46, Title 22, Idaho Code. (7-1-93)

04. Transport Between Commercial Fish Facilities. No permit shall be required to transport fish between properly licensed commercial fish facilities. (3-23-94)

05. Fish Eggs. No permit shall be required to possess, sell, purchase or transport nonviable fish eggs used for bait or personal consumption. (3-23-94)

06. Wildlife. No wildlife except wildlife classified as unprotected, predatory, native amphibian or native reptile as defined in IDAPA 13.01.06, "Classification and Protection of Wildlife," Subsections 200.03, 200.04, and Sections 201 and 250, may be taken from the wild in the state of Idaho and kept alive in captivity unless authorized by the Commission or in writing by the Director or his designee, and may require a permit from the Idaho Department of Agriculture/USDA APHIS. (4-7-11)

a. No wildlife may be taken alive from state parks, national parks and monuments, wildlife management areas or nature preserves except as designated by the Commission or permitted in writing by the Director and permitted in writing by the responsible land management agency. (3-23-94)

b. No person shall capture alive, hold in captivity, kill, or possess at any time more than four (4) Idaho native reptiles or amphibians of any one (1) species except as authorized by Commission Rule or permitted in writing by the Director. (4-7-11)

07. Birds of Prey. No additional permit shall be required to import, possess, transport or export legally possessed birds of prey in accordance with Idaho falconry rules IDAPA 13.01.14, "Rules Governing Falconry in the State of Idaho," by properly licensed falconers. (3-23-94)

08. Unprotected Wildlife. No permit shall be required to sell, export or transport within Idaho, any legally taken species of wildlife classified as unprotected by commission rule. Unprotected native wildlife may be released in accordance with Section 36-502 (c) Idaho Code. The written landowner consent required by Idaho Code shall be in possession while such wildlife are in transit to the release site. (4-7-11)

09. Possession of Wildlife. The possession of any wildlife, progeny or eggs thereof imported into this state without a valid import permit, if such permit is required, shall be unlawful. (3-23-94)

10. Predatory Wildlife. Predatory native wildlife may be released in accordance with Section 36-502(c) Idaho Code. The written landowner consent required by Idaho Code shall be in possession while such wildlife are in transit to the release site. (4-7-11)

101. IMPORT PROCEDURE.

01. Importation of Live Wildlife. Persons wishing to import any live wildlife, except those species exempt by Section 100 of this rule, into Idaho must obtain a license from the Idaho Fish and Game Department and must comply with the following requirements prior to importation. (7-1-99)

02. Obtain an Import Permit. Obtain an Import Permit when required from the Division of Animal Industries, Idaho Department of Agriculture, Boise, Idaho covering each animal or group of animals from the same source. (7-1-99)

03. Possession of Valid License. Possess a valid, appropriate commercial wildlife facility license or possession permit from the Department of Fish and Game for all species they possess classified as big game animals. (7-1-99)

04. Inspection and Examination Requirements. Obtain an examination of each animal by a licensed veterinarian, and a valid Certificate of Veterinary Inspection on animal(s). For fish, obtain (a) Certificate of Veterinary Inspection by a licensed veterinarian, or (b) CFR Title 50 certification, or (c) American Fisheries Society certified fish health inspector's certification, or (d) other certification by an individual designated by the Director of the Department of Agriculture. The Director of the Department of Fish and Game and the Director of the Department of Agriculture (or their designees which should include the Wildlife Veterinarian and the Administrator of the Division of Animal Industries) shall mutually determine the diseases, parasites and genetic characteristics of concern and the testing/certification procedures and statements necessary to prevent introduction of diseases, parasites and genetically-related problems into the state of Idaho. Such testing and certification shall be implemented by the Division of Animal Industries of the Department of Agriculture and verified by the approved Certificate for the imported animal(s). Copies of the approved certificate must be sent to the Idaho Department of Fish and Game veterinarian by the importer within ten (10) days prior to arrival into Idaho. (7-1-99)

05. Wildlife in Transit. All required licenses and certificates must accompany said wildlife while in transit. (7-1-99)

06. Issuance of Licenses. Licenses will not be issued after the fact for wildlife imported without necessary health certificates. (7-1-99)

07. Permits, Licenses, and Invoices Required. (7-1-99)

a. Each facility must have appropriate licenses. License application forms are available from the Idaho Department of Fish and Game. (7-1-99)

b. Animals may only be imported or possessed after a license is issued. (7-1-99)

c. In addition to any criminal penalties assessed by a court, licenses may be revoked by the Director of the Idaho Fish and Game Department for failure to comply with Chapter 7, Title 36, Idaho Code or rules promulgated pursuant thereto. (7-1-99)

102. -- 199. (RESERVED)

200. NON-COMMERCIAL POSSESSION AND CONFINEMENT OF WILDLIFE REQUIREMENTS, PRIVATE PARKS, AND COMMERCIAL WILDLIFE FARMS.

01. General. No person shall possess, hold in captivity, or propagate any big game animals without obtaining the proper permit from the Idaho Department of Fish and Game. All licensees shall comply with the following rules. (7-1-99)

02. Compliance with City and County Ordinances and Federal Law. No person shall possess, hold in captivity, or propagate any big game animals without obtaining certification from the relevant city or county zoning and planning commissions that such facility is in compliance with all county ordinances. In addition, all such persons must obtain certification from the U.S. Department of Agriculture that they are in compliance with federal laws. (7-1-99)

03. Marking Big Game. All big game animals shall be uniquely marked with U.S. Department of Agriculture official, valid eartags or other Department of Fish and Game approved marking system. (3-23-94)

04. Wildlife in Transit. All required licenses and certificates must accompany said wildlife while in transit. (7-1-99)

05. Issuance of Licenses. Licenses will not be issued after the fact for wildlife imported without necessary licenses and health certificates. (7-1-99)

06. License Required. (7-1-99)

a. Each facility must have an appropriate license. Licenses are available from Idaho Department of Fish and Game. (7-1-99)

b. In addition to any criminal penalties assessed by a court, permits and licenses may be revoked by the Director of the Idaho Fish and Game Department for failure to comply with Chapter 7, Title 36, Idaho Code or regulations promulgated pursuant thereto. (3-23-94)

07. Applications. Application for licenses shall be on a form prescribed by the Department of Fish and Game. A separate application shall be made for each facility. (7-1-99)

08. Inspections. The licensee or anyone holding wildlife in captivity shall make available for inspection all records, all wildlife, and the facilities where the wildlife are kept at any reasonable time upon request of the Idaho Department of Fish and Game. (7-1-99)

09. Records Requirements. Records of all captive wildlife shall be kept current and up to date and made available as specified in Section 36-709(c) Idaho Code. (3-23-94)

10. Cages or Enclosures. (7-1-93)

a. It shall be required of each owner of big game animals to pen such animals in suitable pens and restrain them for inspection at any reasonable time when requested to do so by the Director or his representative. (3-23-94)

b. Big game animals, including bear and mountain lion shall be confined in enclosures that meet the following minimum requirements: (7-1-99)

i. Has a floor made of cement or concrete at least three (3) inches thick into which metal fence stakes are permanently placed or a floor that consists of chain link or other material that will preclude the animal digging through the floor to escape; (7-1-93)

ii. Has a chain link fence of at least eight (8) feet in height; (3-23-94)

iii. Has a chainlink cage top, or has any other Department approved configuration such as a pit that will preclude escape. (3-23-94)

iv. Cages, fencing and guard rails shall be kept in good repair at all times and gates or doors shall be securely fastened and locked. (3-23-94)

c. All such cages and/or enclosures for big game animals shall be of sufficient size to give the animal confined ample space for exercise and to avoid being overcrowded. (3-23-94)

i. The length of the cage or enclosure shall be a minimum of four (4) times the body length (tip of nose to base of tail) of the animal being kept. (3-23-94)

ii. The width shall be at least three-fourths (3/4) of the minimum cage length. (3-23-94)

iii. For the second animal housed in cage, floor space shall be increased twenty-five percent (25%) and for each additional animal housed in the cage, floor space shall be increased fifteen percent (15%). Cages with tops shall be of reasonable height to accommodate the animals contained therein. No nails or other sharp protrusions which might injure or impair the animal shall be allowed within the cages. (3-23-94)

d. A suitable shelter or shield shall be provided for big game animals for protection from inclement weather and from the sun. (3-23-94)

e. Cages or enclosures for big game animals shall be kept in a clean and sanitary condition consistent with good animal husbandry. (3-23-94)

f. All venomous reptiles in captivity shall be kept in a cage or in a safety glass enclosure sufficiently strong, and in the case of a cage, of small enough mesh to prevent the animal's escape and with double walls sufficient to prevent penetration of fangs to the outside. All cages and glass enclosures must be locked. (3-23-94)

11. Humane Treatment. (7-1-93)

a. All native wildlife that may be legally taken from the wild and held in captivity under the provisions of Title 36, Idaho Code and these rules and all captive big game animals shall be handled in a humane manner and kept free from parasites, sickness or disease, and if they become infected, injured or unsightly shall be removed from public display by the permit holder. (3-23-94)

b. Any big game animal afflicted with a disease shall immediately be given medical attention consistent with good animal husbandry. A complete record of illness, treatment and disposition must be maintained by the permit holder. (3-23-94)

c. A certificate from a licensed veterinarian shall be supplied to the Idaho Department of Fish and Game upon demand stating the physical condition or health of all big game animals confined under the permit.

(3-23-94)

d. Daily feeding schedules shall be maintained for all big game animals. Food must be adequate and varied and so far as possible consistent with food ordinarily eaten by such animals.

(3-23-94)

e. Fresh or running water for drinking purposes shall be available in cages or enclosures at all times and shall be kept clean and in a sanitary condition.

(3-23-94)

f. Any animals with a propensity to fight or which are otherwise incompatible shall be kept segregated.

(7-1-93)

g. At no time shall any wildlife held in captivity be chained or otherwise tethered. Except raptors, see falconry rules.

(3-23-94)

12. Intrastate Movement. Intrastate movement will be allowed for nonquarantined big game animals, from one licensed facility to another which possesses a license for that subspecies, provided that:

(3-23-94)

a. Such big game animals shall be individually identified by an accredited veterinarian on a Certificate of Veterinary Inspection that shall accompany the animal while in transit, and shall be marked with U. S. Department of Agriculture official, valid eartags or other Department of Fish and Game approved marking system.

(7-1-99)

b. A wildlife invoice and bill of sale, properly filled out and signed by the licensee or his agent shall accompany each such animal while being transported.

(3-23-94)

i. The invoice shall state the name of the wildlife facility from which the animal is being transported and the facility it is being transported to, and shall state the date of disposition, the species and the number disposed of.

(3-23-94)

ii. The invoice shall be in triplicate with one (1) copy being retained by the transferrer, one (1) copy delivered to the transferee with the animal and one (1) copy to be mailed to the Department of Fish and Game by the transferrer within ten (10) days of the date of disposition.

(3-23-94)

c. An intrastate transport license is obtained from the Director or his designee.

(7-1-99)

13. Release of Wildlife Without a Permit. Any wildlife, except fish, that is released without a permit or escapes from an owner or operator shall be captured or destroyed by the owner, or by the Idaho Department of Fish and Game at the owner's expense.

(3-23-94)

14. Unpermitted Fish Species. Any fish species unpermitted for import, possession, transport or release that is released by or escapes from an owner or operator shall be captured or destroyed by the owner, or by the Department of Fish and Game at the owner's expense.

(3-23-94)

15. Diseases of Captive Wildlife. The Director of the Department of Fish and Game and the Director of the Department of Agriculture (or their designees which should include the Wildlife Veterinarian and the Administrator of the Division of Animal Industries) shall mutually determine the diseases and parasites of concern and the mechanisms and procedures for control of diseases and parasites in captive wildlife within the state of Idaho. Such mechanisms and procedures shall include but not be limited to examination, testing, quarantine and slaughter or destruction of individual animals and/or herds that are infected with or affected by diseases and/or parasites that may have significant detrimental effect on native wildlife, other captive wildlife, livestock or the public health of the citizens of the state of Idaho. Such disease and parasite control measures shall be included in and enforced by regulations of the Division of Animal Industries of the Department of Agriculture. Such examinations, testing, quarantine and slaughter of animals or herds shall be conducted at the expense of the owner of said animals or herds.

(3-23-94)

201. -- 299. (RESERVED)

300. RECOVERY, POSSESSION AND SALE OF WILDLIFE PARTS.

01. Wildlife Legally Killed. (3-23-94)

a. The possession, sale and purchase of wildlife or parts of wildlife that have been legally killed is lawful except as provided in this Chapter and as provided in Chapter 5, Title 36, Idaho Code. (9-28-18)T

i. The edible flesh of wildlife classified as big game animals, upland game animals, game birds, migratory birds, or rattlesnakes taken from the wild may not be purchased, bartered or sold. (4-7-11)

ii. The edible flesh of wildlife classified as game fish or crustacea that are taken from the wild may not be purchased, bartered or sold except as provided in Idaho Code Sections 36-501 and 36-801 through 36-805 and rules promulgated pursuant thereto. (3-23-94)

iii. The annual sale by holders of a valid Idaho hunting, trapping or combination hunting and fishing license of up to six (6) skins of legally taken rattlesnakes is lawful pursuant to IDAPA 13.01.06, "Classification and Protection of Wildlife," Subsection 300.02 and Subsection 100.06 of this rule. (4-7-11)

b. A written statement showing the taker's name, address, license and tag numbers, date and location of kill, signed by the taker, must be provided to the buyer of any black bear or mountain lion head, hide or parts (except tanned hides finished into rugs or mounts). A copy of the sales statement must be forwarded by the buyer to the Idaho Department of Fish and Game within ten (10) days after such sale. A department CE-50, Statement of Sale/Purchase of Wildlife Parts, may be used in lieu of a sales statement. (4-7-11)

c. Persons possessing a taxidermist or fur buyer license shall keep a record for two (2) years from the date the wildlife was received for mounting or preservation, furbearers purchased and raw black bear skins, raw mountain lion skins or parts of black bears or mountain lions purchased. Records may be written or retained on media other than paper and must comply with standards set forth in Section 9-328, Idaho Code. Copies of sales statements as per Subsection 300.01.b. satisfy provisions of this rule. (4-7-11)

02. Animals Found Dead. Protected species of wildlife that have died naturally or accidentally remain in public trust to be disposed of by the Department of Fish and Game. However, a person may recover, possess, sell or purchase the wildlife parts as specified below, but ONLY under the conditions specified and ONLY if the wildlife has NOT been unlawfully killed. Natural causes shall not include any man-caused mortality. Accidental death shall include accidental vehicle-collision caused mortality. (3-29-12)

a. Horns of Bighorn Sheep. (7-1-93)

i. Bighorn sheep horns of animals that have died of natural causes may be recovered and possessed but may not be sold, bartered or purchased and may not be transferred to another person without a permit issued by the Director. All such pickup horns must be presented to an Idaho Department of Fish and Game regional or subregional office for marking by placement of a permanent metal pin in the horn within thirty (30) days of recovery. The insertion of a pin does not in itself certify that the animal was legally taken or possessed. The pin only identifies the horn(s) and indicates that mandatory check and report requirements were complied with. (3-23-94)

ii. No person shall alter, deface or remove a pin placed in a bighorn sheep horn by the Idaho Department of Fish and Game. No person shall possess the horn(s) of a bighorn sheep that bears an altered, defaced or counterfeit Idaho pin or from which the Idaho pin has been removed. (3-23-94)

b. Antlers, hides, bones, and horns of deer, elk, moose, pronghorn and mountain goat, parts of bear and mountain lion and elk teeth of animals that have died of natural causes may be recovered, possessed, purchased, bartered or sold. Reporting of bear and mountain lion parts is required pursuant to Subsection 300.01, of this rule. (3-29-12)

c. Parts, including meat, of big game animals, upland game animals, upland game birds, and furbearing animals, which may be lawfully hunted or trapped, that have been accidentally killed as a result of vehicle-collision mortality may be recovered and possessed with notification to the Idaho Department of Fish and Game within twenty-four (24) hours of salvage and with written authorization within seventy-two (72) hours from the Director or a delegate on a form prescribed by the Department, if such taking is not in violation of state, federal, county, or city law, ordinances, rules, or regulations. Mandatory check and report requirements must be followed for bighorn sheep, black bear, mountain lion, mountain goat, moose, gray wolf, bobcat and river otter as described in IDAPA 13.01.08.420 and 13.01.16.500. (3-29-12)

d. Parts, excluding meat, of big game animals (except bighorn sheep), upland game animals, upland game birds, and furbearing animals, which may be lawfully hunted or trapped, that have been accidentally killed as a result of vehicle-collision mortality may be purchased, bartered, or sold, where sale is not specifically prohibited by federal statute or regulation or state statute, when accompanied by written authorization from the Director as described in IDAPA 13.01.10.300.02.c. Bighorn sheep that have been accidentally killed as a result of vehicle-collision mortality may not be purchased, bartered, or sold. (3-29-12)

03. Wildlife Taken in Other States. Wildlife or parts thereof that have been legally taken outside of Idaho, may be possessed or sold in Idaho if such possession or sale is not prohibited in Idaho or the state, province or country where taken, or by federal law or regulation; (9-28-18)T

301. PROHIBITION ON POSSESSION, IMPORTATION, AND TRANSPORTATION OF CERVID CARCASSES OR PARTS FROM AREAS WITH CHRONIC WASTING DISEASE (CWD).

01. Prohibitions. It is unlawful to: (9-28-18)T

a. Import into Idaho the carcass or any part of a deer, elk, or moose from another state, province of Canada, or country (other than Canada) with any documented case of CWD; (9-28-18)T

b. Transport the carcass or any part of a deer, elk, or moose out of any CWD Management Zone designated by the Idaho Fish and Game Commission to any portion of the state that is not a designated CWD Management Zone; or (9-28-18)T

c. Possess the carcass or any part of a deer, elk, or moose that: has been imported from another state, province or country (other than Canada) with a documented case of CWD; or transported out of any CWD Management Zone designated by the Idaho Fish and Game Commission to any part of the state that is not a designated CWD Management Zone. (9-28-18)T

02. Exceptions. This section does not apply to the following animal parts: (9-28-18)T

a. Meat that is cut and wrapped; (9-28-18)T

b. Quarters or deboned meat that does not include brain or spinal tissue; (9-28-18)T

c. Edible organs that do not include brains; (9-28-18)T

d. Hides without heads; (9-28-18)T

e. Upper canine teeth (ivories, buglers, or whistlers); (9-28-18)T

f. Finished taxidermy; (9-28-18)T

g. Dried antlers; or (9-28-18)T

h. Cleaned and dried skulls or skull caps. (9-28-18)T

302. -- 399. (RESERVED)

400. COMMERCIAL WILDLIFE FACILITIES.

01. General. No person shall operate or maintain a commercial wildlife facility without obtaining the proper facility licenses from the Idaho Department of Fish and Game. All permittees and licensees shall comply with the following rules. (7-1-99)

02. Compliance with City and County Ordinances and Federal Law. No person shall maintain a wildlife facility without first obtaining certification from the relevant city or county zoning and planning commissions that such establishment is in compliance with all existing county ordinances. In addition, all such persons must obtain certification from the U.S. Department of Agriculture that they are in compliance with federal laws. (7-1-99)

03. Licenses. (7-1-99)

a. Each facility must have an appropriate facility license. Licenses are available from Idaho Department of Fish and Game. Cost of the license shall be determined in Section 36-703(a)(6), Idaho Code. (7-1-99)

b. Licenses shall be displayed at the licensed facility in plain view at all times. (7-1-99)

c. Licenses may be revoked by the Director of the Idaho Fish and Game Department for failure to comply with Chapter 7, Title 36, Idaho Code or rules promulgated pursuant thereto or for violating any license or permit conditions. In case of revocation, all animals shall be removed by owner or by the Idaho Department of Fish and Game at owner's expense. (7-1-99)

d. Permits and licenses may be revoked by the Director of the Idaho Fish and Game Department for failure to comply with Chapter 7, Title 36, Idaho Code or rules promulgated pursuant thereto. (7-1-93)

e. Persons in violation of Chapter 7 of Title 36, Idaho Code and/or these rules shall be notified in writing and shall have ten (10) days to correct the violation. If at the end of that time the violation is not corrected, the Director may revoke any existing permit or license and may refuse to issue any future permit. Such revocation or refusal to issue a future permit shall be in addition to any criminal charges that may be filed. (7-1-93)

04. Applications. Application for permits or licenses to import and/or possess wildlife shall be on a form prescribed by the Department of Fish and Game. A separate application shall be made for each facility and for any animal(s) imported after a facility is licensed. The application shall include: (7-1-99)

a. The name and address of the applicant. (7-1-93)

b. Proof of compliance with existing city/county zoning and/or ordinance. (7-1-99)

c. The name and address of the owner(s) of the wildlife if not the applicant. (7-1-93)

d. The location of the proposed facility, including a legal description of the land and the approximate space devoted to the facility. (7-1-93)

e. The name and address of the owner of the property if not the applicant. (7-1-93)

f. The number and kinds of wildlife being or to be kept. (7-1-93)

g. The date upon which each animal is to be obtained. (7-1-99)

h. The source, including address and telephone number, from which each animal was, or is to be, obtained, and health certificate for all animals (see Rule 101) addressing diseases of concern. If already in possession, the type of permit or license under which each animal is possessed. (7-1-99)

i. Specifications of pens and shelters furnished for each kind of animal. (7-1-93)

j. Specifications of the guard fence or other security measures to prevent escape or protect the public from injury by the animals. (7-1-99)

05. Inspections. The licensee shall make available for inspection all records, all wildlife, and the facilities covered by the license at any reasonable time upon request of the Idaho Department of Fish and Game. (7-1-99)

06. Evidence of Legal Possession. Records shall include evidence of legal possession of all wildlife kept at the facility or under the licenses, including licenses, permits, receipts, invoices, bills of lading, or other satisfactory evidence of ownership. The records shall also identify all animals born at the facility, exported from the facility, or transported within the state. (7-1-99)

07. Dead Wildlife. Record of inspection by a licensed veterinarian shall be kept for all wildlife which die on the premises, and a copy shall be forwarded to the Department of Fish and Game Wildlife Laboratory within ten (10) days of the death of the animal. (7-1-99)

08. Cages or Enclosures. (7-1-93)

a. All wildlife held in captivity in a wildlife facility shall be confined at all times in cages or pens of such structure or type of construction that it will be impossible for such animals to escape. (7-1-93)

b. Big game animals, including bear and mountain lion, shall be confined in enclosures that meet the following minimum requirements: (7-1-99)

i. Has a floor made of cement or concrete at least three (3) inches thick into which metal fence stakes are permanently placed or a floor that consists of chain link or other material that will preclude the animal digging through the floor to escape; (7-1-93)

ii. Has a chain link fence of at least eight (8) feet in height with barbed wire overhang; (7-1-93)

iii. Has a cage top; (7-1-93)

iv. Has any other configuration such as a pit that will preclude escape. (7-1-93)

c. All such cages and/or enclosures shall be of sufficient size to give the animal or bird confined ample space for exercise and to avoid being overcrowded. (7-1-93)

i. The length of the cage or enclosure shall be a minimum of four (4) times the body length (tip of nose to base of tail) of the animal being kept, reptiles excepted. (7-1-93)

ii. The width shall be at least three-fourths (3/4) of the cage length. (7-1-93)

iii. For the second animal housed in cage, floor space shall be increased twenty-five percent (25%) and for each additional animal housed in the cage, floor space shall be increased fifteen percent (15%). Cages with tops shall be of reasonable height to accommodate the animals contained therein. No nails or other sharp protrusions which might injure or impair the animal shall be allowed within the cages. (7-1-93)

d. All cages or enclosures shall be constructed to prevent entrance by other animals and prevent harm to or by the general public. Cages, fencing, and guardrails shall be kept in good repair at all times; and gates shall be securely fastened with latches or locks. (7-1-99)

e. Each cage or enclosure for birds and smaller animals shall be provided with a den, nest box or other suitable housing containing adequate bedding material as may be required for the comfort of the species held. A suitable shelter or shield shall be provided for larger animals for protection from inclement weather and from the sun. At least one (1) wall of the enclosure shall be constructed so as to provide a windbreak for the animal confined. (7-1-93)

f. Cages or enclosures shall be kept dry if containing terrestrial animals and with adequate water if containing aquatic animals. Where natural climate of the species being held differs from the climate of the area where the wildlife facility is located, provisions shall be made to adjust holding conditions, as nearly as possible, to natural habitat. (7-1-93)

g. Cages or enclosures shall be kept free of offensive odors and/or other unhealthy conditions. All cages or enclosures shall be properly disinfected and cleaned at least once each day. (7-1-93)

09. Large Commercial Wildlife Facilities. Commercial wildlife facilities which are of a size large enough or with a large number of animals which are incompatible with the cage or enclosure requirements of Subsection 400.07 may, in the director's discretion, be addressed on a case-by-case basis. It is intended that such facilities would house three (3) or more species or encompass display or exhibit areas larger than one (1) acre to qualify for consideration. (7-1-99)

a. Animals will be displayed in such a way as to preserve their dignity and in a natural appearing environment. The displays should enhance appreciation for the species and its natural history. (7-1-99)

b. The cages and/or enclosures shall be of such structure or type of construction to prevent escape of the captive wildlife, or damage to native wildlife through habitat degradation, genetic contamination, competition, or disease. (7-1-99)

c. Applications for a commercial wildlife facility license shall generally meet the requirements of Subsection 400.04. Additionally, the application shall identify the veterinarian of record for the facility. (7-1-99)

d. The department will refer to the standards such as those set by the American Zoological Association to develop cage, open space, shelter, and enclosure requirements. Such requirements may include, but not limited to, fence specifications, electric fence specifications, pits or moats, or buried fencing. (7-1-99)

e. All applications shall be accompanied by a bond to the state of Idaho, Department of Fish and Game in the amount of fifty thousand dollars (\$50,000) or an amount equal to ten percent (10%) of the total facility construction cost plus two thousand dollars (\$2,000) per animal, which ever is greater, executed by a qualified surety duly authorized to do business in the state of Idaho, to guarantee performance of license conditions and to reimburse the Department for any costs incurred for clean-up of abandoned or closed facilities, removal of animals from abandoned or closed facilities, capture or termination of escaped animals, or disease control. With prior approval, the applicant may submit a cash bond to the Department including, but not limited to, certificates of deposit, registered checks, certified funds, and money orders. (7-1-99)

f. The specific requirements shall be set forth as license conditions. Violation of a license condition shall be a violation of these rules. (7-1-99)

10. Humane Treatment. (7-1-93)

a. All wildlife being held in captivity under the provisions of Title 36, Idaho Code and these rules shall be handled in a humane manner and kept free from parasites, sickness or disease, and if they become infected, injured or unsightly shall be removed from public display by the permit holder. (7-1-93)

b. Any animal afflicted with parasites or disease shall immediately be given professional medical attention or be destroyed in a humane manner. A complete record of illness, treatment and disposition must be maintained by the permit holder. (7-1-93)

c. A certificate from a licensed veterinarian shall be supplied to the Idaho Department of Fish and Game at least once each year or upon demand stating the physical condition or health of animals confined under the permit. Certificates shall be upon forms furnished by the Department. (7-1-93)

d. Regular feeding schedules shall be maintained for all animals. Food must be adequate and varied and so far as possible consistent with food ordinarily eaten by such animals. Food must be of good quality and stores of same shall be kept in suitable containers with tight fitting covers so as to render it inaccessible to rats, flies, or

other vermin. (7-1-99)

i. Food must be of good quality and stores of same shall be kept in suitable containers with tight fitting covers so as to render it inaccessible to rats, flies, or other vermin. (7-1-93)

ii. The public shall not be permitted to feed any animals other than monkeys. Proper signs shall be conspicuously posted on cages or enclosures advising the public to refrain from feeding or annoying the birds or animals. (7-1-93)

e. Fresh or running water for drinking purposes shall be available in cages or enclosures at all times. Drinking fountains or other receptacles shall be available in cages or enclosures at all times and shall be kept clean and in a sanitary condition. (7-1-93)

f. Any animals with a propensity to fight or which are otherwise incompatible shall be kept segregated. (7-1-93)

g. At no time shall any wildlife held for public display or exhibition be chained or otherwise tethered to any stake, post, tree, building, or other anchorage. (7-1-93)

11. Sale of Animal Meat or Parts. (7-1-99)

a. A commercial wildlife facility licensee may sell or otherwise dispose of the carcass, parts, or by-products of a properly identified big game animal taken from a commercial wildlife facility only upon preparing an invoice or bill of sale as specified by the Idaho Department of Fish and Game and attaching a copy of it to the lot shipment, carcass, or container and keeping a copy for his records. Upon the attaching of the invoice or bill of sale to the carcass, parts, or by-products of the animal, the same may be transported to the transferee named on the invoice or bill of sale. (7-1-99)

b. The licensee may sell commercial wildlife facility animals for meat upon compliance with all applicable health laws, USDA, and Idaho Department of Agriculture regulations. (7-1-99)

12. Responsibility of License Holder. The license holder shall be responsible for the care of the wildlife in possession and the protection of the public. The license holder shall be liable for the expense of capture or destruction of any escaped wildlife, including any costs incurred by the Department. The Department is concerned only with the protection of wildlife and makes no representation concerning public safety of the licensed animals or facilities. (7-1-99)

401. -- 499. (RESERVED)

500. SHOOTING PRESERVE RULES.

01. Shooting Preserves. Shooting preserves in the state of Idaho may be operated only under a permit from the Director of the Department of Fish and Game. (7-1-93)

02. Applications. Application for a shooting preserve license shall be on a form prescribed by the Department of Fish and Game. (7-1-93)

03. Licenses. The operator of each shooting preserve shall execute and maintain a vendorship contract with the Department and shall maintain a supply of shooting preserve hunting licenses on hand for issuance to clients of the preserve. (7-1-93)

04. Species Permitted. Only those species of upland game birds specified on the shooting preserve permit may be held and/or released on such shooting preserve facility. (7-1-93)

05. Disease Free Birds. All upland game birds shipped into Idaho for release on an authorized shooting preserve shall be certified free from disease as evidenced by a statement to that effect executed in writing by a licensed veterinarian. (7-1-93)

06. Holding Facilities. All rearing pens, holding pens and other rearing or holding facilities shall be maintained in accordance with Subsection 400.01 et seq. (7-1-93)

07. Habitat Requirements. No shooting preserve permit shall be issued except upon verification by the Department that the proposed area has suitable habitat to provide food and cover for birds released for hunting purposes. The Department shall provide technical advice to the applicant in developing proper habitat needs for the various species permitted under the shooting preserve license. (7-1-93)

08. Inspection. The Director or his designee shall be allowed reasonable access to the premises of any authorized shooting preserve for the purpose of inspecting rearing and holding facilities for upland game birds and to inspect licenses, hunters' bag limits, storage facilities and records pertaining to the operation of said shooting preserve. (7-1-93)

501. -- 599. (RESERVED)

600. WOLVES.

01. Definitions -- Primary Wolf Characteristics. (7-1-93)

- a.** Eyes shine greenish orange; (7-1-93)
- b.** Ears rounded and smaller in proportion to those of the coyote; (7-1-93)
- c.** Snout is broad with nose pad wider than one (1) inch; (7-1-93)
- d.** Legs are long, an adult would stand at approximately twenty-six (26) to thirty-two (32) inches at the shoulder; (7-1-93)
- e.** Length is four and one-half (4.5) to six (6) feet from the tip of the nose to the tip of the tail; (7-1-93)
- f.** An adult weighs at least eighty (80) pounds; (7-1-93)
- g.** Tail is carried high or straight out when running; (7-1-93)
- h.** Fur is long and coarse, varies from white to black but is generally grayish in coloration resembling the coyote. The underparts are not as white and the legs and feet are not as red as those of the coyote. (7-1-93)

02. License Application and Tattoos. Any person who obtains or possesses a canine exhibiting primary wolf characteristics or who captures a wolf alive or possesses or obtains a wolf that was born or held in captivity for any purpose must apply for a license for each animal within three (3) days of possession, capture or commencement of captivity. (7-1-93)

- a.** Application for a license for each animal shall be made on a form prescribed by the Department and must be completed and returned to the Department within two (2) weeks. (7-1-93)
- b.** Applicants shall have each animal properly tattooed with a three (3) digit number assigned by the Department. (7-1-93)
- c.** The tattoo shall be placed on the right flank or inside of the right ear by a qualified veterinarian. (7-1-93)
- d.** The veterinarian shall certify that the animal has been tattooed on the license application. (7-1-93)
- e.** Young animals do not require tattooing until the age of six (6) months. (7-1-93)

- 03. License.** (7-1-93)
- a.** Upon receipt of the completed application, the applicant will be issued a captive wolf license. (7-1-93)
- b.** The license fee is ten dollars (\$10). (7-1-93)
- c.** The license is valid from January 1 through December 31. It shall be renewed annually until the licensee no longer possesses the animal. (7-1-93)
- 601. -- 699. (RESERVED)**
- 700. LIST OF SPECIES APPROVED FOR IMPORTATION INTO IDAHO.**
The following species are generally approved to be possessed, imported into or transported, sold, bartered or traded within Idaho. (7-1-99)
- 01. Approved License Required.** No person shall import any species of live wildlife without a license approved by the director or his designee. (7-1-99)
- 02. Species Allowed for Importation.** The following species have been approved for importation into Idaho (a license is still required): (7-1-99)
- a.** Rocky Mountain Elk. *Cervus elaphus canadensis*. (7-1-93)
- b.** Roosevelt Elk. *Cervus elaphus roosevelti*. (7-1-93)
- c.** Manitoba Elk. *Cervus elaphus manitobensis*. (7-1-93)
- d.** Reindeer/Caribou. *Rangifer tarandus* spp. Only allowed south of the Salmon River. (7-1-93)
- e.** Rocky Mountain Mule Deer. *Odocoileus hemionus hemionus*. (7-1-93)
- f.** Pronghorn/Antelope. *Antilocapra americana americana*. (7-1-93)
- g.** Bison/Buffalo. *Bison bison*. (7-1-93)
- h.** Fallow Deer. *Dama dama* spp. (7-1-93)
- i.** Muntjac Deer. *Muntiacus muntjak* spp. (7-1-93)
- j.** Wild Turkey (Merriams, Rio Grande And Eastern). *Melagris gallapavo* spp. (7-1-93)
- k.** Pheasants. All species. (7-1-93)
- l.** Columbian Sharp-Tailed Grouse. *Pedioecetes phasianellus*. (7-1-93)
- m.** Gray/Hungarian Partridge. *Perdix perdix*. (7-1-93)
- n.** Chukar Partridge. *Alectoris graeca*. (7-1-93)
- o.** Blue Grouse. *Dendrogapus obscurus*. (7-1-93)
- p.** Spruce Grouse. *Canochites canadensis*. (7-1-93)
- q.** Ruffed Grouse. *Bonasa umbellus*. (7-1-93)
- r.** Wild Quail (Northern Bobwhite, California, Mountain And Gambel's). *Colinus virginianus*,

Callipepla californica, *Oreortyx pictus* and *Callipepla gambelii*.

(7-1-93)

03. Fur Farms, Fish Farms, Domestic Cervidae, and Bona Fide Pet Stores. Fur farms, fish farms, domestic cervidae, and bona fide pet stores are regulated by the Idaho Department of Agriculture. However, a license to import those animals into the state shall be obtained from the Idaho Department of Fish and Game prior to importation. (7-1-99)

04. All Other Species. All species of live wildlife not listed above for importation will be considered on a case-by-case basis. Application shall be made on a department-prepared form and comply with the procedures of Section 101 of these rules. The decision on whether import and possession will be allowed shall be in the director's discretion, based on the protection of Idaho's wildlife from habitat degradation, genetic contamination, competition, or disease. (7-1-99)

701. -- 999. (RESERVED)

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