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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), Idaho Code, to adopt rules concerning the public use of lands owned or controlled by the Department of Fish and Game. (3-29-10)

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. Aircraft. Every description of aircraft that is capable of being used as a means of transportation on or in the air. (3-29-10)

02. Commercial Use. Any use or activity that is related to a business venture or for which a fee is charged, or in which the primary purpose is the sale or barter of goods or services, regardless of whether the use or activity is intended to produce a profit. (3-29-10)

03. 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)

04. Designated Roads and Trails. All roads and trails posted as open or included on travel plan maps provided by the Department, or both. Roads and trails not posted as open or included on travel plan maps, or both, are closed to motorized vehicles. (3-29-10)

05. Motorized Vehicle. Every vehicle that is self-propelled, except vehicles that are moved solely by

human power. (3-29-10)

06. Safety Zone. A posted area established for the safety and protection of persons, equipment, structures, or livestock and where shooting within, across, or into the area is not permitted. (3-29-10)

07. Snow Machine. Any self-propelled vehicle designed primarily for travel on snow that is steered by tracks or, skis and propelled by tracks. (3-29-10)

08. 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. As it pertains to campfires shall mean not within twenty (20) yards. (3-29-10)

09. Watercraft. Any vessel that is capable of being used as a means of transportation on or in the water. (3-29-10)

011. -- 099. (RESERVED)

100. PUBLIC USE RESTRICTIONS.

01. Activities Prohibited Without Director Authorization. Unless specifically authorized by the Commission or under lease, permit, contract, or agreement issued by the Director, Regional Supervisor, or other authorized agent, the following activities are PROHIBITED: (3-29-10)

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 one designated area. (3-29-10)

c. To operate any motorized vehicles, including snow machines, except on designated roads and trails. Designated roads and trails are posted as open or included on travel plan maps provided by the Department, or both. (3-29-10)

d. To use watercraft on any waters which are posted against such use. (3-29-10)

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 or to permit dogs to be off leash or conduct dog training when prohibited by posted notice. (3-29-10)

h. To conduct dog field trials of any type during the period October 1 through July 31. All dog field trials and 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. (3-29-10)

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. Portable manufactured blinds and tree stands are allowed but may not be left overnight. (3-29-10)

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 or remains thereof, waste water, metallic cans, bottles, plastic or paper cartons, shotgun shell casings, yard and agricultural wastes, garbage, machines, appliances, or other litter on or in any lands or waters. (3-29-10)
- 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 shoot within, across, or into posted safety zones. (3-29-10)
- 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)
- p.** To discharge any paintball guns. (3-29-10)
- q.** To disturb or remove any soils, gravel, or minerals. (7-1-93)
- r.** 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)
- s.** To cut, dig, or remove any crops, trees, shrubs, grasses, forbs, logs, or fuel wood. (7-1-93)
- t.** To place, maintain, or store any beehives or bee boards. (7-1-93)
- u.** To use lands for any commercial purpose. (7-1-93)
- v.** To place a geocache. (3-29-10)
- w.** To use for group events of over fifteen (15) people. (3-29-10)
- x.** To land or launch aircraft except on public airstrips. (3-29-10)
- y.** To use or transport any hay, straw or mulch that is not weed seed free certified. (3-29-10)
- 101. -- 999. (RESERVED)**

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