

## **IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE**

### **Administration Division**

#### **02.01.03 – Airborne Control of Unprotected or Predatory Animals Rules**

##### **Who does this rule apply to?**

*Any person in Idaho who engages in the airborne control of unprotected or predatory animals.*

##### **What is the purpose of this rule?**

*The Idaho State Department of Agriculture (ISDA) is the authorized agent in Idaho to aid in the protection of land, water, wildlife, livestock, domesticated animals, human life or crops for the purpose of issuing permits to persons to shoot or attempt to shoot, capture, harass or kill unprotected or predatory animals while airborne in an aircraft.*

*Coyotes and Red Foxes are designated as predatory under the rule. Permits are issued free of charge and are required prior to hunting or pursuing predatory or unprotected animals from an aircraft. Permittees are limited to the geographic area listed on the permit, landowner notification is required and quarterly reports are required to be submitted to the ISDA.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statute passed by the Idaho Legislature:*

- [22-102A, Idaho Code](#) – Aircraft Use in Controlling Unprotected or Predatory Animals

##### **Who do I contact for more information on this rule?**

Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
Boise, ID 83712  
P.O. Box 7249  
Boise, ID 83707  
Program Phone: (208) 332-8500  
Fax: (208) 334-2170  
Email: [rulesinfo@isda.idaho.gov](mailto:rulesinfo@isda.idaho.gov)  
Webpage: <https://agri.idaho.gov/main/>

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## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.01.03 – AIRBORNE CONTROL OF UNPROTECTED OR PREDATORY ANIMALS RULES

#### 000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-102A and 36-201, Idaho Code. (3-31-22)

#### 001. SCOPE.

These rules govern the issuance of permits for the airborne control of unprotected or predatory animals and establish the duties of permittees. (3-31-22)

#### 002. – 009. (RESERVED)

#### 010. DEFINITIONS.

**01. Airborne Control.** While airborne in any aircraft, to shoot or attempt to shoot, drive off, or kill unprotected or predatory animals. (3-31-22)

**02. Aircraft.** Any contrivance used for flight in the air. (3-31-22)

**03. Predatory Animal.** For the purpose of administering Section 22-102A, Idaho Code, predatory animals include (1) coyotes; (2) wolves; and (3) red fox. Red fox may be controlled in the areas where the Idaho Department of Fish and Game has established a year-round hunting season for red fox, and, in consultation with the Idaho Department of Fish and Game, in specific areas, outside the areas where a year-round hunting season has been established, where red fox are causing predation problems. (3-31-22)

**04. Unprotected Animal.** An animal which is not designated as protected, threatened, or endangered under federal or state law. (3-31-22)

#### 011. -- 099. (RESERVED)

#### 100. CONTROL PERMIT.

**01. Airborne Control Permit Required.** Any person who engages in the airborne control of unprotected or predatory animals must obtain a permit from the Department. Permit applications will be on a form provided by the Department. (3-31-22)

**02. Incomplete Application.** Failure to provide any of the required application information is cause for denial of a permit. (3-31-22)

**03 Possession of Permits by Permittee.** Permits must be in the possession of the permittee when exercising any privileges thereunder. (3-31-22)

**04. Expiration of Permits.** Permits are valid from the date of issuance and expire on June 30 of each year. (3-31-22)

**05. Written Consent from Private Landowner Required.** The applicant must submit written permission from each owner of private land on whose property the applicant plans to conduct airborne control operations. The applicant must also provide the name, address, and telephone number of the owner of the property from whom such permission was obtained. (3-31-22)

**06. Changes in Information.** Permit holders shall immediately notify the Department of changes in the information supplied in the application or any changes in the conditions under which the permit was issued. (3-31-22)

#### 101. ISSUANCE OF AIRBORNE CONTROL PERMITS.

In determining whether the permit application should be granted or denied, the Director may give reasonable consideration to the following factors: (3-31-22)

**01. Threat to Resource.** The threat, danger, or menace to the resource requiring protection. (3-31-22)

- 02. Type of Control.** Whether the animals are to be driven off or killed. (3-31-22)
- 03. Number Issued.** The number of permits issued for the same type of animal in the same area. (3-31-22)

**102. NOTIFICATION TO FEDERAL LAND MANAGEMENT AGENCIES.**

Information concerning authorized airborne control activities will be provided to those federal land management agencies on whose land the activities are to be conducted. This provision will not be interpreted to require a permit applicant to obtain permission from the federal land management agency to conduct airborne control activities as a condition of receiving the permit from the Department. (3-31-22)

**103. -- 199. (RESERVED)**

**200. RECORDKEEPING REQUIREMENTS.**

**01. Recordkeeping by Permittee.** Control permit holders shall maintain records of airborne control activities including: (3-31-22)

- a.** The resource protected; (3-31-22)
- b.** The common name of animal and number of animals controlled; (3-31-22)
- c.** The geographic location of the property where airborne control was conducted; and (3-31-22)
- d.** The specific dates on which the person was engaged in airborne control activity. (3-31-22)

**02. Summary of Control Activities.** A summary of all control activities and required recordkeeping shall be submitted to the Director within thirty (30) working days after the end of each calendar quarter. (3-31-22)

**201. -- 299. (RESERVED)**

**300. PROHIBITED ACTS.**

- 01. Prohibited Acts Defined.** No person may: (3-31-22)
- a.** Use an airborne control permit to hunt for sport. (3-31-22)
- b.** Kill any type of animal different from the type of animal specified on the permit. (3-31-22)
- c.** Transfer an airborne control permit to another person. (3-31-22)
- d.** Engage in airborne control activities in a geographic area different from the area specified on the permit. (3-31-22)

**301. -- 999. (RESERVED)**