

## **IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME**

### **Wildlife Bureau**

#### **13.01.09 – Rules Governing Taking of Game Birds and Upland Game Animals**

##### **Who does these rules apply to?**

*These rules apply to people who hunt migratory game birds, upland game birds and waterfowl. Hunting activities in Idaho generally require a license/permit from the Department.*

##### **What is the purpose of these rules?**

*These rules govern the take of game birds, tags, permits and validations, methods of take, areas closed to hunting game birds and official shooting hours. These rules regulate the take of game birds so that Idaho continues to have bird populations to support public use and enjoyment in the future. These rules also promote public safety and manage social aspects to provide a range of opportunities and balance different public interests and preferences.*

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

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

Fish and Game -

Fish and Game Commission:

- [Section 36-103, Idaho Code](#) – Wildlife Property of the State, Preservation
- [Section 36-104, Idaho Code](#) – General Powers and Duties of Commission

Protection of Animals and Birds:

- [Section 36-1101, Idaho Code](#) – Taking of Wildlife Unlawful Except by Statute or Commission Rule or Proclamation – Methods Prohibited – Exceptions
- [Section 36-1102, Idaho Code](#) – Protection of Birds

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

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## 13.01.09 – RULES GOVERNING TAKING OF GAME BIRDS AND UPLAND GAME ANIMALS

### 000. LEGAL AUTHORITY.

Sections 36-103, 36-104, 36-1101, and 36-1102, Idaho Code, authorize the Commission to adopt rules concerning taking of game birds and upland game animals. (3-31-22)

### 001. TITLE AND SCOPE.

The title of this chapter for citation is IDAPA 13.01.09, “Rules Governing Taking of Game Birds and Upland Game Animals.” These rules govern taking of game birds and upland game animals. (3-31-22)

### 002. – 009. (RESERVED)

### 010. DEFINITIONS.

IDAPA 13.01.06, “Rules Governing Classification and Protection of Wildlife,” defines migratory game birds, American crow, upland game animals, and upland game birds. Definitions as used in these rules: (3-31-22)

**01. Accompanied.** Close enough to be within normal conversation or hearing range without shouting or the aid of electronic devices. (3-31-22)

**02. Waterfowl.** The combination of ducks, geese, and swans, under the migratory game bird classification in IDAPA 13.01.06, “Rules Governing Classification and Protection of Wildlife.” (3-31-22)

### 011. – 099. (RESERVED)

### 100. GAME BIRD TAGS.

**01. Game Tags.** No person may hunt game birds anywhere within the state, except licensed shooting preserves, without having in possession the appropriate game tag as required by Section 36-409, Idaho Code. (3-31-22)

**02. General and Controlled Hunt Tags.** The Commission may authorize general or controlled hunts by proclamation. (3-31-22)

**a.** A general hunt game tag is valid in any general hunt for the calendar year. (3-31-22)

**b.** A controlled hunt tag is valid only for the controlled hunt for which the tag was drawn. For turkey only, a controlled hunt tag is also valid in any general hunt for the calendar year. (3-31-22)

**03. Game Bird Tag Validation and Attachment.** Any person who kills a game bird for which a game tag is required under Section 36-409(c), Idaho Code, must immediately validate the appropriate tag and securely attach the validated tag to the carcass. Tag validation means completely removing the two (2) triangles on the tag corresponding to the day and month of the kill date. The validated tag must remain attached to the carcass during transit to the place of final storage or final consumption. (3-31-22)

### 101. – 109. (RESERVED)

### 110. CONTROLLED HUNTS.

**01. Eligibility.** Holders of hunting licenses valid for game birds are eligible to apply for spring and fall controlled hunts, subject to the following restrictions: (3-31-22)

**a.** Landowner-permission controlled hunt application eligibility is limited to persons who have a signed permission slip, which includes the landowner’s name and address, from a landowner who owns more than seventy-nine (79) acres in the hunt area. (3-31-22)

**b.** Youth-only controlled hunt application eligibility is limited to persons nine (9) to seventeen (17) years of age, provided they will be ten (10) to seventeen (17) years of age during the hunt for which they apply. A nine (9) year old cannot participate in the hunt until turning age ten (10). A person who turns eighteen (18) years of age during the controlled hunt may continue to participate through the end of the youth-only controlled hunt. (3-31-22)

**c.** A person sixty-five (65) years of age or older, or a person with a disabled license, may purchase leftover youth-only controlled hunt tags on a first-come, first-served basis. (3-31-22)

**02. Applications.** Applications for spring and fall controlled hunts may be submitted electronically through the automated licensing system at any vendor location, including Department offices, through the Internet, or via telephone, not later than March 1 for spring hunts and June 5 for fall hunts, or an alternate date specified by Commission proclamation when these dates are impractical. (3-31-22)

**a.** Duplicate license numbers will not be accepted. Applications from Holders of a Duplicate License (Type 501) will be processed only if they include original license numbers. (3-31-22)

**b.** Only one (1) application per person or group will be accepted. Additional applications will result in all applicants being declared ineligible. (3-31-22)

**c.** A single payment may be submitted to cover fees for all applications. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. (3-31-22)

**d.** A “group application” is defined as two (2) hunters applying for the same controlled hunt on the same application. (3-31-22)

**e.** Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (3-31-22)

**f.** In the event a tag is issued based on erroneous information, the tag will be invalidated and the person will remain on the drawn list. (3-31-22)

**03. Drawing Information.** Single or group applications not drawn for first choice hunts will automatically be entered into a second choice drawing if tags remain available in that hunt. (3-31-22)

**04. Successful Applicant.** Any successful controlled hunt applicant may choose to buy the controlled hunt tag or return an unused general season tag for the species in exchange for the controlled hunt tag. (3-31-22)

**05. Nonresident Limit.** In any controlled hunt, not more than ten percent (10%) of the tags will be issued to nonresidents. (3-31-22)

**111. – 149. (RESERVED)**

**150. MIGRATORY GAME BIRD PERMIT.**

No person may hunt migratory game birds anywhere within the state, without having in possession the appropriate hunting license with validation for the Migratory Game Bird Harvest Information Program and tag. (3-31-22)

**151. SHARP-TAILED GROUSE PERMIT.**

No person may hunt sharp-tailed grouse anywhere within the state, without having in possession the appropriate hunting license with validation for sharp-tailed grouse, except on a licensed shooting preserve. (3-31-22)

**152. UPLAND GAME BIRD PERMIT (DEPARTMENT-STOCKED BIRDS).**

**01. Upland Game Bird Permit.** Any person eighteen (18) years of age or older hunting for or having a pheasant in his or her possession on Fort Boise, C.J. Strike, Montour, Payette River, Sterling, Market Lake, Mud Lake, Cartier, or Niagara Springs Wildlife Management Areas, or at other locations where the Department stocks pheasants, as identified by Commission proclamation, must have a valid Upland Game Bird Permit in possession. (3-31-22)

**02. Permit Limit.** Each Upland Game Bird Permit has a limit of six (6) roosters (cocks). Multiple permits may be purchased. (3-31-22)

**03. Permit Validation.** Any person harvesting a pheasant where a Upland Game Bird Permit is required must immediately validate their Permit upon reducing a pheasant to possession by entering the harvest date and location in Non-Erasable ink, and removing a notch from the permit for each pheasant taken. (3-31-22)

**153. – 179. (RESERVED)**

**180. YOUTH AND OTHER SPECIAL HUNTS.**

**01. Youth and Veteran/Active Duty Waterfowl Season.** The youth waterfowl season is open only to licensed hunters with Migratory Bird validation who are eight (8) to seventeen (17) years of age, and who are accompanied in the field at all times by a licensed hunter eighteen (18) years of age or older. The Veteran/Active Duty waterfowl season is open only to licensed hunters with Migratory Bird validation who are veterans (as defined in Section 65-203, Idaho Code, but without restriction as to Idaho residency) or members of the Armed Forces on active duty (which does not include members of the National Guard and Reserves performing drills or training), and who carry proof of eligibility on their person, such as an official military or veteran identification card; DD214 form; or a state-issued driver's license or identification card with veteran's designation. (3-31-22)

**02. Youth General Hunts for Turkey.** Youth-only general hunts for turkey are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. (3-31-22)

**03. Youth Pheasant Season.** The youth pheasant season is open only to licensed hunters ten (10) to seventeen (17) years of age. (3-31-22)

**181. – 189. (RESERVED)**

**190. NONRESIDENT PARTICIPATION IN PHEASANT SEASONS.**

The Commission may set by proclamation a later season start date, of no more than five (5) days, for nonresident participation in pheasant seasons. (3-31-22)

**191. – 199. (RESERVED)**

**200. IDENTIFICATION OF SPECIES IN POSSESSION AND DURING TRANSPORTATION.**

No person may possess, transport, or ship any game bird or Eurasian-collared dove between the place where taken and the personal abode of the possessor OR between the place where taken and a commercial processing or storage facility unless: (3-31-22)

**01. Wild Turkey.** The beard or leg of wild turkey is left naturally attached to the carcass. (3-31-22)

**02. All Other Game Birds and Eurasian-Collared Doves.** One (1) fully-feathered wing or the head is left naturally attached to the carcass. (3-31-22)

**201. – 249. (RESERVED)**

**250. MANDATORY CHECK AND REPORT.**

**01. Swan.** Any hunter killing a swan must, within three (3) days of the date of kill, present the swan carcass (for measurement and identification) to a conservation officer, regional office or check station, and complete a harvest report. A person may authorize another person to comply with the check and report if that person possesses sufficient information to complete the report. (3-31-22)

**251. – 299. (RESERVED)**

**300. UPLAND GAME BIRD METHODS OF TAKE.**

**01. Upland Game Birds.** No person may take upland game birds: (3-31-22)

**a.** With a trap, snare, net, or firearm. (3-31-22)

**i.** EXCEPT upland game birds may be taken with a shotgun using shells not exceeding three and one-half (3-1/2) inches maximum length, or muzzleloading shotgun; or (3-31-22)

- ii. EXCEPT, forest grouse only may be taken with a firearm. (3-31-22)
- b. From any watercraft. (3-31-22)
- c. By the use or aid of any electronic call. (3-31-22)
- d. By the aid of baiting. Bait is defined as any substance placed to attract upland game birds. (3-31-22)
- e. When hunting on locations where an Upland Game Bird permit is required, without wearing at least thirty-six (36) square inches of visible hunter orange above the waist. (3-31-22)
- 02. Wild Turkey.** In addition to the methods listed above, no person may take wild turkey: (3-31-22)
  - a. With lead shot exceeding BB size. (3-31-22)
  - b. With steel shot exceeding T size. (3-31-22)
  - c. By the use of dogs, except during fall hunts. (3-31-22)
  - d. With any airgun using pre-charged pneumatic power to propel a projectile (including shot and arrows) with unignited compressed air or gas and projectiles less than thirty (.30) caliber. (3-31-22)

**301. MIGRATORY BIRD METHODS OF TAKE.**

As provided by Section 36-1102, Idaho Code, taking of migratory birds is subject to the provisions of the federal migratory bird treaty act and federal regulations (found at 50 CFR Part 20). (3-31-22)

**01. Waterfowl.** No person may take waterfowl, or coot while in possession of shot other than nontoxic shot federally approved for waterfowl hunting. No person may take waterfowl with shot larger than two tenths (.20) inches in diameter (size T). (3-31-22)

**02. Mourning Doves.** Common Snipe, and Sandhill Cranes. No person may take mourning doves, common snipe, or Sandhill Cranes while in possession of shot larger than two tenths (.20) inches in diameter (size T). (3-31-22)

**03. American Crow.** No person may take American crow with a trap, snare, net, rifle, pistol or a shotgun using shells exceeding three and one-half (3-1/2) inches maximum length. American crow are exempt from waste provisions under Section 36-1202, Idaho Code. (3-31-22)

**302 – 349. (RESERVED)**

**350. UPLAND GAME ANIMAL METHODS OF TAKE.**

No person may take upland game animals: (3-31-22)

**01. Devices.** With a trap, snare, net or shotgun using shotgun shells exceeding three and one-half (3 ½) inches in length. (3-31-22)

**02. Electronic Call.** By the use or aid of any electronic call. (3-31-22)

**351 – 399. (RESERVED)**

**400. AREAS CLOSED TO HUNTING OF GAME BIRDS.**

**01. General.** In addition to those areas closed under IDAPA 13.01.07.300, “Rules Governing Taking of Wildlife,” the following area is closed to the hunting, killing, or molesting of any game bird: Roswell Marsh Wildlife Habitat Area in Canyon County on Sundays, Mondays, Tuesdays and Wednesdays from September 15 through the end of the waterfowl hunting season in the area south of Highway 18 and west of Pebble Lane (Roswell Marsh

segment). (3-31-22)

**02. Migratory Game Birds.** In addition to the areas listed above as closed to hunting of game birds, the following areas are closed to hunting, killing, or molesting migratory game birds other than mourning dove: (3-31-22)

**a.** Fort Hall Indian Reservation in Bingham, Bannock, and Power Counties within three hundred (300) yards each way of the Fort Hall Bluffs from Bigbend Boat Launch to the west boundary of the Fort Hall Indian Reservation. (3-31-22)

**b.** Hagerman Wildlife Management Area (WMA) in Gooding County in the area enclosed by the following boundary: Beginning at a point two hundred (200) yards west of the point at which U.S. Highway 30 crosses the south bank of Gridley Island, then northwest along a line two hundred (200) yards southwest of and parallel to U.S. Highway 30 to a point two hundred (200) yards west of the junction of U.S. Highway 30 and the WMA entrance, then west and north and east along a line two hundred (200) yards outside of the WMA boundary, which is marked by a fence, to the point at which the fence meets U.S. Highway 30, then east and south along a line five hundred (500) yards outside of the WMA boundary to the Snake River, then downstream along the north bank of the Snake River and then along the south bank of Gridley Island to the point where U.S. Highway 30 crosses the south bank of Gridley Island, then two hundred (200) yards west of U.S. Highway 30 to the point of beginning. Exception: Department sponsored waterfowl hunts. (3-31-22)

**c.** Mormon Reservoir in Camas County including the shoreline area within two hundred (200) yards of the ordinary high water line. (3-31-22)

**d.** Spokane River in Kootenai County from the Post Falls Dam to Lake Coeur d'Alene at the orange pilings, within two hundred (200) yards of the ordinary high water line two thousand one hundred twenty-eight (2,128) feet above sea level. (3-31-22)

**03. Geese.** In addition to the areas listed above as closed to hunting of game birds and migratory game birds, the following areas are closed to the hunting, killing, or molesting of any species of geese: (3-31-22)

**a.** Canyon County in the area enclosed by the following boundary and within one hundred fifty (150) feet of the exterior side of said boundary (except that the closure extends to one hundred (100) yards from the exterior side of said boundary along that section commencing at the junction of Lake Shore Drive and Rim Road, then south on Rim Road to west Lewis Lane, then east on west Lewis Lane to Lake Shore Drive, then along Lake Shore Drive to Emerald Road): Beginning approximately at the junction of State Highway 45 (12th Avenue Road) and Greenhurst Road (Nampa), then west following Greenhurst Road to its junction with Middleton Road, then north following Middleton Road to its junction with Lake Lowell Avenue, then west following Lake Lowell Avenue to its junction with Lake Avenue, then north following Lake Avenue to its junction with West Roosevelt Avenue, then west following West Roosevelt Avenue to its junction with Indiana Avenue, then north following Indiana Avenue to its junction with State Highway 55 (Karcher Road), then west following State Highway 55 to its junction with Riverside Road, then south following Riverside Road to the Deer Flat National Wildlife Refuge boundary, then west along boundary fence below lower embankment as posted to Lake Shore Drive, then in a southeast direction following Lake Shore Drive to its junction with Marsing Road, then east and south on Lake Shore Drive to Rim Drive, then south on Rim Drive to West Lewis Lane, then east on West Lewis Lane to Lake Shore Drive, then southeast on Lake Shore Drive to State Highway 45, then north on State Highway 45 to the point of beginning. (3-31-22)

**b.** Hagerman Valley in Gooding and Twin Falls Counties in the area enclosed by the following boundary: Beginning at the Gridley Island Bridge on the Snake River, then south and east along the south bank to a point perpendicular to mile marker 187.5, then on a direct line east to the southern tip of Ritter Island (in the Snake River), then continuing east to the intersection of 3200 South Road and 1300 East Road, then north on the 1300 East Road to the 1200 East Road, then northwest and north on the 1200 East Road to the 3000 South Road, then west on the 3000 South Road to a point five hundred (500) yards east of the intersection of the 3000 South Road and the Hagerman National Fish Hatchery Road (east of the Hagerman WMA boundary), then north and west five hundred (500) yards outside the Hagerman WMA boundary to U.S. Highway 30, then west and south two hundred (200) yards outside the Hagerman WMA boundary to 2900 South Road, then west on 2900 South Road to 900 East Road, then due south to a point two hundred (200) yards north of the Snake River, then west and north two hundred (200) yards

outside the high water line on the east bank of the Snake River to Lower Salmon Dam, then west across the Snake River, then south, southwest and east two hundred (200) yards outside the high water line on the west bank of the Snake River (including the Idaho Power Upper Salmon Dam diversion canal) to the Gridley Bridge, the point of beginning. (3-31-22)

c. Minidoka and Cassia Counties in the area enclosed by the following boundary: Within two hundred (200) yards of the high water line of the Snake River from Milner Dam upstream to Meridian Road (north side of the Snake River) and 650 East Road (south side of the Snake River), approximately six and one-half (6 1/2) miles east of the City of Burley. (3-31-22)

**401. GAME PRESERVES OPEN TO THE HUNTING OF MIGRATORY GAME BIRDS.**

The David Thompson Preserve in Bonner County is open to the hunting of migratory game birds. (3-31-22)

**402. – 999. (RESERVED)**