

TITLE 36
FISH AND GAME

CHAPTER 18
FEDERAL AID FOR FISH AND WILDLIFE RESTORATION PROJECTS

36-1801. ASSENT TO PITTMAN-ROBERTSON FEDERAL AID ACT -- ESTABLISHMENT OF WILDLIFE RESTORATION PROJECTS. The state of Idaho hereby assents to the provisions of the act of Congress entitled, "An Act to Provide that the United States shall aid the States in Wildlife Restoration Projects." Approved September 2, 1937 (Public Law 415, 75th Congress), as amended July 24, 1946, 60 stat. 656, and as amended October 23, 1970 (Public Law 503, 91st Congress), and the commission is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects, in compliance with said act, and with rules and regulations promulgated by the secretary of agriculture thereunder and no funds accruing to the state of Idaho from license fees paid by hunters shall be diverted for any other purpose than the administration of the department of fish and game and for the protection, propagation, preservation and investigation of wildlife.

[36-1801, added 1976, ch. 95, sec. 2, p. 370.]

36-1802. ASSENTING TO PROVISIONS OF DINGELL-JOHNSON ACT OF CONGRESS. The state of Idaho hereby assents to the provisions of the act of Congress entitled, "An Act to Provide that the United States shall aid the States in Fish Restoration and Management Projects, and for other Purposes," approved August 9, 1950, being Public Law 681 of the 81st Congress of the United States, and the commission is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said act of Congress, in compliance with said act and rules and regulations promulgated by the secretary of the interior thereunder and no funds accruing to the state of Idaho from license fees paid by fishermen shall be diverted for any other purpose than the administration of the department for the protection, propagation, preservation and investigation of wildlife.

[36-1802, added 1976, ch. 95, sec. 2, p. 371.]

36-1803. WILDLIFE RESTORATION PROJECT FUND AND FISH RESTORATION AND MANAGEMENT FUND. The commission shall budget from any of the monies of the fish and game fund an amount requisite and necessary to meet and match cooperative grants of the federal government, which amounts so set aside shall be placed in two (2) separate funds to be known as the wildlife restoration project section and the fish restoration and management project section of the department of fish and game and which said monies so set aside and placed in said project sections shall be used and expended by the commission, or under its direction and control, in cooperative activities in wildlife restoration projects and fish restoration and management projects under the provisions of sections [36-1801](#) and [36-1802](#), Idaho Code. Provided that the dates on which said amounts, or any part thereof, are budgeted from the fish and game fund and transferred to said project sections shall be left to the discretion of the commission, except that such amounts shall be budgeted each year.

[36-1803, added 1976, ch. 95, sec. 2, p. 371.]

36-1804. MANNER OF USE AND PURPOSES OF FUNDS. The amount of money so set aside and transferred shall be used by the commission in the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife and fish, and the construction thereon or therein of such works as may be necessary to make them available and adequate for such purposes and, also, including such research into problems of wildlife management and fish restoration and management projects as may be necessary to efficient administration affecting wildlife and fish resources, and such preliminary or incidental costs and expenses as may be incurred in and about such wildlife projects and such fish restoration and management projects and in cooperation with the provisions of the Wildlife Restoration Projects Act and the Fish Restoration and Management Projects Act. Wildlife restoration projects monies may also be used in the establishment and maintenance of a hunter safety training program and the acquisition, construction, operation and maintenance of public outdoor target ranges as a part of such program.

[36-1804, added 1976, ch. 95, sec. 2, p. 372.]

36-1805. REVOLVING FUND. The monies set aside by the fish and game commission of the state of Idaho from the fish and game fund and any monies coming into the said fish and game fund as grants-in-aid under the provisions of the Wildlife Restoration Projects Act shall be transferred to the wildlife restoration projects fund which shall be used as a revolving fund for the purposes hereinbefore set forth and not otherwise in wildlife restoration projects.

[36-1805, added 1976, ch. 95, sec. 2, p. 372.]

36-1806. FEDERAL MIGRATORY BIRD RESERVATIONS -- ACQUISITION CONSENTED TO. Only the legislature by adoption of a concurrent resolution may grant the consent of the state of Idaho to the acquisition by the United States by purchase, gift, devise, or lease of such areas of land or water, or of land and water, in the state of Idaho, as the United States may deem necessary for the establishment of migratory bird reservations in accordance with the act of congress approved February 18, 1929, entitled "An Act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and water to furnish in perpetuity reservations for the adequate protection of such birds and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes." The state of Idaho reserves full and complete jurisdiction and authority over all such areas for which consent is granted not incompatible with the administration, maintenance, protection, and control thereof by the United States under the terms of said act of congress.

[36-1806, added 1976, ch. 95, sec. 2, p. 372; am. 1997, ch. 386, sec. 1, p. 1241.]

36-1807. PUBLIC HEARINGS -- INFORMATION -- APPROVAL OR DISAPPROVAL -- PURCHASES OF FIVE ACRES OR LESS. Whenever the creation, establishment or

enlargement of any heretofore established or hereafter to be established cooperative wildlife restoration project or migratory bird reservation, as provided in sections [36-1801](#) and [36-1806](#), Idaho Code, shall contemplate, require or involve the acquisition of privately owned property by either the state of Idaho or the United States, neither the state of Idaho, the Idaho fish and game commission, nor any other officer, person or agency of the state of Idaho authorized to act for the state of Idaho shall consent to, approve of, concur in, assent to or authorize establishment of or enlargement of any cooperative wildlife restoration project or migratory bird reservation unless a public hearing has been held in the county or counties where the proposed cooperative wildlife restoration project or migratory bird reservation is to be established or enlarged or the proposed lands are to be acquired and until fifteen (15) days shall have elapsed following such hearing.

Notice of such public hearing shall be given by certified mail to the board of county commissioners of the county or counties affected and by publication in a newspaper or newspapers having general circulation within such county or counties. Such publication shall be given so that the first such publication shall be at least ten (10) and not more than fifteen (15) days before the date of hearing and if published weekly, shall be published in at least two (2) successive issues and if published daily, shall be published in at least seven (7) successive issues. The notices shall contain a brief description of the proposed project and a general description of the proposed location thereof and the place and time of hearing and state that all interested persons may appear and be heard.

At the hearing, the commission shall present or cause to be presented oral and documentary evidence as to the land areas affected, the existing use of and production from said lands, the probable changes in use and production of said lands if included in such project, the existing tax to all taxing districts payable from such lands and the estimated amount of any payments in lieu of taxes, if any, and to what taxing district such in-lieu payments will be made if the lands be included in such project. The board of county commissioners of the county or counties affected and other persons present may present oral or documentary evidence upon any of the above matters and upon any other matters showing the economic effect the proposal would have upon the county or counties and their residents. Statements will be received, either oral or written, from any county resident present who shall wish to make his views known either in favor of or in opposition to such proposed project. From and after such hearing the board of county commissioners of the county or counties affected shall have fifteen (15) days to recommend and file approval or disapproval of such proposed project. Failure of the board to act within said period shall be deemed approval by them of the proposed project. If the board of any county affected shall recommend disapproval of such project, then the state of Idaho or any agency, commission or officer thereof shall not consent, concur, approve or assent to such project without first giving serious consideration to the objections of the board of county commissioners and filing with the board of county commissioners a written statement reasonably explaining the reasons for giving the consent, concurrence, approval or assent in the face of such objections. In the event (of) no such consent, concurrence, approval or assent is given, nothing herein contained shall be construed to prevent reconsideration of such proposals, or modification thereof, from time to time upon the same procedures for notice and hearing as set forth hereinabove.

No assent, approval, consent, or recommendation, as required by sections [36-1801](#) or [36-1806](#), Idaho Code, shall be of any force or effect until the requirements for notice and hearing as set forth herein have been satisfied. Nothing in this chapter shall be applicable to land purchases of five (5) acres or less.

[36-1807, added 1976, ch. 95, sec. 2, p. 373.]