

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1401

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 36-104, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by January 22, 2014.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

PRELIMINARY DRAFT: A preliminary draft of the affected rule text will be available on the agency's website located at <http://fishandgame.idaho.gov>.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Department is proposing several modifications and clarifications to the current Landowner Appreciation Program (LAP). The intent is to improve distribution of existing LAP tags among landowners and creation of a new Private Lands Tag program. The focus of the Private Lands Tag is to provide consistent recognition for large private landowners that are providing important habitat for big game.

Idaho Department of Fish and Game (Department) proposes changes to the current Landowner Appreciation Program (LAP) and the creation of a new Private Land Tags (PLT) program for landowners who own more than 5,000 acres of important wildlife habitat within a Game Management Unit or a Control Hunt Area; the Department is seeking input about the geographic level to implement the program.

The proposed changes to LAP include a clarifying rule to provide for implementation of LAP at the Game Management Unit or Controlled Hunt Area level, as opposed to application at the state level. This will help address current ambiguity, and recognizes important habitat in all eligible controlled hunt areas. Also proposed is to implement a 1-year waiting period for successful applicants for oversubscribed LAP hunts, to better distribute LAP tags among eligible landowners.

The Department is also proposing setting LAP tags at a level equal to 10% of the number of controlled hunt tag numbers within a Game Management Unit or Controlled Hunt Area. Further, the Department proposes to clarify that participating landowners would allow use of their designated LAP tags on their registered property. In addition, landowners with greater than 5,000 acres participating in LAP would have their weighting factor capped at 8 chances, in order to better distribute LAP tags among eligible landowners.

The Department also proposes rules creating a new Private Lands Tag Program (PLT), which would provide for reliable distribution of deer, elk and pronghorn antelope tags to private landowners with greater than 5,000 private acres of habitat, within a Game Management Unit based on the following formula:

- Landowners with 5,000 - 9,999 acres are eligible for 2 PLT tags, choice of species;
- Landowners with 10,000 - 19,999 acres are eligible for 3 PLT tags, choice of species; and
- Landowners with 20,000+ acres are eligible for 4 PLT tags, choice of species.

The Department proposes additional stipulations to the PLT such as a PLT may be designated to any eligible licensed hunter, but remains valid only on the landowner's registered private land. Total deer and elk PLTs are limited to less than 10% of the total statewide controlled hunt tags for the species and landowners are limited to no more than one pronghorn PLT per year per landowner. Eligibility for PLTs requires landowners to sign a depredation release agreement and harvest management agreement to assist in meeting management objectives.

In addition to the preliminary draft, the Department is seeking specific input from the public to further establish criteria for the harvest management agreement stated in 13.01.04.404.c.ii. related to the issues of public access and, or wildlife conflict.

This effort is designed to provide for consistent recognition for large private land ownerships providing important habitat, improve distribution of existing LAP tags among eligible landowners, reduce potential for expensive depredation claims, and to achieve big game management objectives.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Sal Palazzolo, (208) 334-2752 or visit the agency website at <http://fishandgame.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 22, 2014.

DATED this 29th day of November, 2013.

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