

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1401

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 Sections 36-104(b) and 36-1101(a), 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 be considered, responses must be received by February 26, 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.

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:

Shooting hours for upland game birds appear in Idaho Administrative Code. In 2012, this rule was modified to restrict hunting upland game birds before 10 a.m. on Wildlife Management Areas (WMAs) where upland game birds are stocked. This was done for three reasons: 1.) to address human safety concerns where employees/volunteers stocking upland game birds and vehicles were sprayed with shotgun pellets, 2.) to help further distribute stocked upland game birds, and 3.) to reduce conflict between waterfowl hunters and upland game birds hunters using the same property.

Currently, shooting hours to restrict shooting upland game birds before 10 a.m. are in place on four of nine WMAs where upland game birds are stocked. However, the Idaho Department of Fish and Game would like to adopt this policy on two additional WMAs because similar conflicts have occurred in these locations. It is anticipated that these issues may arise on the three other WMAs where upland game birds are stocked. As a result, the Idaho Department of Fish and Game would like to modify this rule so the Commission may designate shooting hours on WMAs where upland game birds are stocked, by proclamation.

This rule is intended to address any public safety concerns as they arise.

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 Jeff Knetter, (208) 287-2747 or visit the agency website at: fishandgame.idaho.gov/public/about/?getPage=33.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or fishandgame.idaho.gov/public/about/?getPage=33, and must be delivered on or before February 26, 2014.

DATED this 10th day of January, 2014.

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