

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1402

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(b)(5), 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 July 23, 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:

Unlimited controlled hunts have been used by the Department to provide hunting opportunities without restricting the number of hunters. This hunt framework is more restrictive than a general season hunt, but less restrictive than a controlled hunt with a limited number of tags. However, some unlimited controlled hunts result in higher-than-desired hunter numbers because some hunters select these hunts as their second choice as a backup when applying for a more desirable controlled hunt in case they do not draw their first choice.

The Department is proposing a rule change to allow the Fish and Game Commission to designate specific Unlimited Controlled Hunts as "first-choice only" during the controlled hunt application process. If unlimited controlled hunts were available only as a first-choice hunt, there would likely be fewer applicants for the hunts, so the unlimited number of tags could be maintained and any hunter who selected that hunt as their first choice could still apply and be assured of drawing. Unlimited controlled hunts do not restrict nonresidents to 10% of the tags for the hunt, do not require hunters to sit out a year after drawing a tag, and unlimited controlled hunts do not trigger an allocation of tags to outfitters.

Alternatively, under the existing rule language, some unlimited controlled hunts will have to be converted to controlled hunts with a limited number of tags if the number of applicants is too high. Controlled hunts with a limited number of tags restrict nonresidents to 10% of the tags for the hunt, require hunters to sit out a year after drawing, and would trigger allocation of tags to outfitters if tag numbers are limited or reduced.

The purpose of the proposed rule is to restrict applications for specific Unlimited Controlled hunts designated by Commission proclamation to be 1st choice only during the controlled hunt application process. The intention is to reduce the number of hunters in those unlimited controlled hunts in which hunter numbers are resulting either in crowding or higher harvest pressure than is desired without restricting those hunters who select these hunts as their first choice. By eliminating applicants who chose this hunt as their second choice in case they don't draw their first choice, this restriction would likely decrease the number of hunters in these hunts, reduce the need for further restrictions in tag numbers, and may improve drawing odds in some hunts with a limited number of tags. Those Unlimited Controlled Hunts in which hunter numbers are not currently problematic would be unaffected (they would not be designated as "first-choice only," and could still be selected as a second choice).

In the 2014 big games seasons, tag numbers are unlimited for 10 Controlled Hunts for deer (4 Antlered deer hunts, 5 archery deer hunts, and 1 muzzleloader controlled hunt), 0 Controlled hunts for elk, and 5 Controlled hunts for pronghorn. This proposed rule is anticipated to affect only those hunters who would have selected a specified unlimited controlled hunt as their second choice in the event that they did not draw their first choice. All hunters who choose to select the unlimited controlled hunt as their first choice would be assured of drawing a tag.

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 Jon Rachael, (208) 334-2920 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 July 23, 2014.

DATED this 6th day of June, 2014.

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