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Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee

FROM: Principal Legislative Research Analyst - Katharine Gerrity

DATE: October 06, 2015

SUBJECT: Department of Fish and Game

IDAPA 13.01.02 - Rules Governing Hunter Education and Mentored Hunting - Proposed Rule (Docket No. 13-0102-1501)

IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals - Proposed Rule (Docket No. 13-0116-1501)

IDAPA 13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals - Proposed Rule (Docket No. 13-0117-1501)

1. IDAPA 13.01.02 - Rules Governing Hunter Education and Mentored Hunting

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.02 - Rules Governing Hunter Education and Mentored Hunting. According to the department, the purpose of the rulemaking is to clarify the limits of the Hunting Passport for 8-Year-Old children.

The department states that negotiated rulemaking was not conducted due to the simple nature of the changes. Rulemaking appears to be authorized pursuant to Section 36-401, Idaho Code.

2. IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. According to the department, it has been working with trappers on trapper education to avoid situations where pets and other non-target animals are caught rather than pursuing any additional restrictions. The department states that it met with trapper association presidents who expressed support for a trapper education requirement.

Negotiated rulemaking was conducted. The rule will establish a mandatory trapper education class, the class length and required subject matter to be covered. There is already statutory authority to authorize a fee not to exceed \$8.00 for reimbursement of furnished materials. The rulemaking appears to be authorized pursuant to Sections 36-104, 36-1101 and 36-1103, Idaho Code.

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3. IDAPA 13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. According to the department, the purpose of the rule is to align the criteria for the distance of black bear baiting sites from water, trails and roads. It appears that the department has revised the required distance restriction from "any road" to "any established roadway that is open to the general public for motorized traffic and capable of being traveled by full-sized automobiles."

Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

cc: Department of Fish and Game
Dallas Burkhalter