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Director

Legislative Services Office

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 08, 2015

SUBJECT: Department of Fish and Game

IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Temporary and Proposed Rule (Docket No. 13-0109-1501)

IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Proposed Rule (Docket No. 13-0109-1502)

1. IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho. According to the department, the purpose of the rule is to increase goose hunting opportunities in the Hagerman Valley and to help reduce goose conflicts with agricultural producers. The department notes that it closed several areas around the state to goose hunting decades ago to provide places for migrating populations to stop over where they wouldn't be hunted. The department states that the number of geese migrating through the Hagerman Valley has increased substantially over the last decade and closure is no longer warranted. The department adds that goose populations are starting to have a negative impact on agricultural operations. The department also clarifies that the rescission would not affect the Hagerman Wildlife Management Area Waterfowl Closure.

The department states that the temporary rule is appropriate because it confers a benefit. The temporary rule was effective on August 28, 2015. The department confirms that negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

2. IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho. According to the department, the purpose of the rule is to allow one new method of take, that being crossbow, for forest grouse. The department adds that crossbow is already an approved method of take for certain big game species in general hunts, so the weapon allowance does not represent new weaponry or new technology.

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The department states that negotiated rulemaking was not conducted due to the simple nature of the rule. The rulemaking appears to be authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

cc: Department of Fish and Game
Dallas Burkhalter