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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 06, 2015

SUBJECT: Department of Fish and Game

IDAPA 13.01.11 - Rules Governing Fish - Proposed Rule (Docket No. 13-0111-1501)

IDAPA 13.01.11 - Rules Governing Fish - Temporary and Proposed Rule (Docket No. 13-0111-1502)

1. IDAPA 13.01.11 - Rules Governing Fish

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.11 - Rules Governing Fish. According to the department, the purpose of the rule is to establish specific conditions to allow the removal of the heads and tails of trout, bass and tiger muskie for transit or while in the field.

Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 36-104 and 36-901, Idaho Code.

2. IDAPA 13.01.11 - Rules Governing Fish

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.11 - Rules Governing Fish. According to the department, the forecasted return of Coho salmon is sufficient to allow Coho salmon fishing seasons and harvest for only the second time in more than 30 years. The department states that most returning Coho are not adipose fin-clipped, so the rule is being amended to allow the take and possession of Coho with intact adipose fins in the Clearwater drainage. The department notes that the rules are also being updated and obsolete language is being removed.

The department indicates that the temporary rule is appropriate in that the rulemaking confers a benefit. The temporary rule was effective on August 28, 2015. The department notes that negotiated rulemaking was not conducted because of the need for a temporary rule to provide harvest opportunity this year. The rulemaking appears to be authorized pursuant to Sections 36-104 and 36-901, Idaho Code.

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