

## **IDAPA 13 - DEPARTMENT OF FISH AND GAME**

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

#### **DOCKET NO. 13-0108-1601**

#### **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(s): 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 July 24, 2016.

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:

On May 17, 2016, the Idaho Fish and Game Commission signed a Memorandum of Agreement with the states of Montana and Wyoming regarding the management and allocation of discretionary mortality of grizzly bears in the Greater Yellowstone Ecosystem. Included within that Memorandum of Agreement was the prohibition of the hunting of females accompanied by young, and young accompanied by females. The agreement further identified that Idaho has discretion as to how it applies its allocation of discretionary mortality pursuant to its respective regulatory processes and management plan.

Idaho Code Section 36-105(3) exempts the Idaho Fish and Game Commission from rulemaking requirements when it adopts, repeals, or amends proclamations to set seasons or limits on numbers, size, sex or species of wildlife. The Commission may nevertheless promulgate rules to set such seasons or limits as it deems appropriate to give effect to the state's wildlife policy as set forth in Idaho Code Section 36-103(a).

The negotiated rulemaking would establish seven specific rules for the taking of grizzly bears in Idaho pursuant to this agreement:

Establish that either sex grizzly bears may be taken, except adults accompanied by young, and young accompanying adult, may not be taken.

Establish that immediately after harvest of a grizzly bear, the tag must be validated and securely attached to the hide.

Add grizzly bear to the list of species for which evidence of sex must be left naturally attached to the hide until mandatory check requirement has been fulfilled.

Establish requirement that any hunter who kills a grizzly bear must report harvest within 24 hours by calling a toll free Grizzly Reporting Number.

Establish mandatory check requirement for grizzly bears whereby any harvested grizzly bear skull and hide must be presented to IDFG conservation officer or at IDFG regional office for checking within 5 days of harvest.

Add grizzly bear to the list of species that may not be hunted within 200 yards of any designated dump ground or landfill.

Establish a rule to limit harvest of a grizzly bear in Idaho to once per lifetime.

**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 Gould, (208) 334-2920 or visit the agency website at: <http://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 <http://fishandgame.idaho.gov/public/about/?getPage=33>, and must be delivered on or before June 24, 2016.

DATED this 3rd Day of June, 2016

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