



Jeff Youtz  
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:** September 25, 2013  
**SUBJECT:** Department of Fish and Game

IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho - Nonresident Junior Mentored Tag (Docket No. 13-0108-1302)

IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho - Controlled Hunt Tag Designation to Minor Children or Grandchildren (Docket No. 13-0108-1303)

IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho (Docket No. 13-0109-1301)

IDAPA 13.01.11 - Rules Governing Fish - Single-Point Hook and Watercraft (Docket No. 13-0111-1301)

IDAPA 13.01.11 - Rules Governing Fish - Minimize Risk to Landed Sturgeon (Docket No. 13-0111-1302)

### **1. IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho (Nonresident Junior Mentored Tag)**

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho relating to nonresident junior mentored tags. According to the department, the purpose of the rulemaking is to eliminate the requirement that the accompanying adult have a tag valid in the same area.

The department states that the effective date of the temporary rule was August 26, 2013. The department notes that negotiated rulemaking was not conducted due to the minor nature of the change. The rule appears to be authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

### **2. IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho (Controlled Hunt Tag to Minor Child or Grandchild)**

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho relating to controlled hunt tag designation to minor children or grandchildren. According to the department, the purpose of the rulemaking is to make several minor wording changes to more closely align the statute and the rule for designating a controlled hunt tag from a parent or grandparent to his or her minor child or grandchild.

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The department states that the effective date of the temporary rule was August 26, 2013. The department notes that negotiated rulemaking was not conducted due to the minor nature of the change. The rule appears to be authorized pursuant to Sections 36-104 and 36-405, Idaho Code.

### **3. IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho (Controlled Hunt Tag to Minor Child or Grandchild)**

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 relating to controlled hunt tag designation to minor children or grandchildren. According to the department, the purpose of the rulemaking is to make several minor wording changes to more closely align the statute and the rule for designating a controlled hunt tag from a parent or grandparent to his or her minor child or grandchild.

The department states that the effective date of the temporary rule was August 26, 2013. The department notes that negotiated rulemaking was not conducted due to the minor nature of the change. The rule appears to be authorized pursuant to Sections 36-104 and 36-405, Idaho Code.

### **4. IDAPA 13.01.11 - Rules Governing Fish (Single-Point Hook and Watercraft)**

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.11 - Rules Governing Fish relating to single-point hooks and watercraft. According to the department, the purpose of the rulemaking is to define "single-point hook" and "watercraft." The department indicates that the terms have been used in season proclamations for some time.

The department states that the term "single-point hook" is used to limit fishing tackle to prevent snagging and that in certain situations where fish are large, visible and congregated, hooks with more than one point create a higher probability that anglers could intentionally or unintentionally snag a fish. The department states that this can lead to illegal harvest or unintended mortality and is of particular concern in fisheries for salmon and steelhead in tributary river systems. The rule change defines the term as "a bent wire device for catching fish, with one (1) shank and one (1) point."

The department also states that the term "watercraft" is used to limit angler conflict and address safety concerns. The department notes that in some reservoirs and large river fisheries with concentrated angler use, there can be conflicts and/or unsafe conditions for bank/wading anglers created by wake from watercraft. The department states that watercraft anchored in desired fishing areas can also monopolize preferred fishing locations to the point that bank/wading anglers have no opportunity to fish and, although these events are rare, they can occur in waters with high-use fisheries for salmon and steelhead. The rule change defines the term as "those devices designed as a means of transportation on water."

The department states that the effective date of the temporary rule was August 26, 2013. The department notes that negotiated rulemaking was not conducted due to the simple nature of the change and the fact that the terms have been used in season proclamations for some time. The rule appears to be authorized pursuant to Sections 36-104 and 36-901, Idaho Code.

### **5. IDAPA 13.01.11 - Rules Governing Fish (Minimization of Risk to Landed Sturgeon)**

The Department of Fish and Game submits notice of temporary and proposed rule at IDAPA 13.01.11 - Rules Governing Fish relating to the minimization of risk to landed sturgeon. According to the department, the purpose of the rulemaking is to provide that only catch-and-release angling is allowed in Idaho for sturgeon. The department states that keeping the sturgeon in the water allows the natural buoyancy of the water to support internal organs of larger fish. The department goes on to state that sturgeon have a cartilaginous skeleton which is not as supportive as a bony skeleton found in most fish species. This rule was in the Administrative Code

through 2008 and then was inadvertently removed during a chapter restructure but was never rescinded by the Fish and Game Commission.

The department states that the effective date of the temporary rule was August 26, 2013. The department notes that negotiated rulemaking was not conducted due to the simple nature of the change and the fact that the rule was inadvertently removed during a chapter restructure. The rule appears to be authorized pursuant to Sections 36-104 and 36-901, Idaho Code.

cc: Department of Fish and Game  
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