



Eric Milstead
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: Deputy Division Manager - Katharine Gerrity

DATE: July 11, 2019

SUBJECT: Department of Fish and Game

IDAPA 13.00.00 - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking (Docket No. 13-0000-1900) - Department of Fish and Game

The Idaho Department of Fish and Game submits notice of temporary and proposed rules that reauthorize and re-publish the following previously approved chapters at:

- 13.01.01, Rules of Practice and Procedure of the Fish and Game Commission
- 13.01.02, Rules Governing Mandatory Education and Mentored Hunting (Except IDAPA 13.01.02.100 and 13.01.02.102, which are being reauthorized as fee rules)
- 13.01.03, Public Use of Lands Owned or Controlled by the Department of Fish and Game
- 13.01.04, Rules Governing Licensing (Aside from IDAPA 13.01.04.600, which is being reauthorized as a fee rule)
- 13.01.06, Rules Governing Classification and Protection of Wildlife
- 13.01.07, Rules Governing the Taking of Upland Game Animals
- 13.01.08, Rules Governing the Taking of Big Game Animals (Except IDAPA 13.01.08.263, which is being reauthorized as a fee rule)
- 13.01.09, Rules Governing Taking of Game Birds - Edits incorporate substantive requirements of 13.01.13, Rules for Taking of American Crow, which will expire as a separate chapter on June 30, 2019.
- 13.01.10, Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife (Except IDAPA 13.01.10.410, which is being reauthorized as a fee rule)
- 13.01.11, Rules Governing Fish - Edits incorporate substantive requirements of 13.01.05, Rules for Fishing Contests, which will expire as a separate chapter on June 30, 2019
- 13.01.12, Rules Governing Commercial Fishing
- 13.01.14, Rules Governing Falconry
- 13.01.15, Rules Governing Use of Dogs
- 13.01.16, Trapping of Predatory and Unprotected Wildlife and Taking of Furbearers
- 13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals
- 13.01.18, Rules Governing Emergency Feeding of Pronghorn, Elk, and Deer
- 13.01.19, Rules for Operating, Discontinuing, and Suspending Vendors (Except IDAPA 13.01.19.102, which is being reauthorized as a fee rule) - Edits incorporate substantive requirements of 13.01.20, Rules Governing

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Selection of Fish and Game License Vendors, which will expire as a separate chapter on June 30, 2019

These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. According to the department, the rulemaking includes edits and re-numbering that do not significantly change the effect of existing rules to comply with formatting requirements, etc. In addition to the changes noted above (within the list of rules included) the department has clarified provisions and revised verbiage as well as reorganized some of the subsections. No other changes from the existing rules have been noted.

The rulemaking appears to be authorized pursuant to Sections 36-103, 36-104, 36-105, 36-111, 36-201, 36-301, 36-305, 36-307, 36-401, 36-405, 36-406A, 36-407, 36-408, 36-409, 36-412, 36-413, 36-415, 36-501, 36-504, 36-506, 36-601, 36-701, 36-703, 36-704, 36-706, 36-708, 36-804, 36-901, 36-902, 36-1001, 36-1101, 36-1102, 36-1201, 36-1402, 36-1508, 36-2201, 36-2202, 36-2204, and 36-2205, Idaho Code.

cc: Department of Fish and Game
Paul Kline

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.