



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:** September 13, 2019  
**SUBJECT:** Department of Fish and Game

IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho - Proposed Rule (Docket No. 13-0108-1903)

IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho - Proposed Rule (Docket No. 13-0108-1904)

### **1. IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho**

#### **Summary and Stated Reasons for the Rule**

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho. According to the department, the purpose of the rule is to allow the commission to make a controlled hunt applicant wait up to five days to buy a general hunt tag for the same species in the same calendar year for specific hunts having limited tag numbers.

#### **Negotiated Rulemaking / Fiscal Impact**

The department states that it published a Notice of Intent to Promulgate Rules - Negotiated Rulemaking in June of 2019. The department notes that it received 160 responses during the comment period and that no commenter stated interest in negotiated rulemaking. The department states that comments indicated a polarity of opinion not suited to negotiation.

#### **Statutory Authority**

The rulemaking appears to be authorized pursuant to sections 36-104 and 36-408, Idaho Code.

### **2. IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho**

#### **Summary and Stated Reasons for the Rule**

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho. According to the department, the purpose of the rule is

to allow the commission to limit the number of nonresident deer or elk tags available in a specific general hunt unit or zone to address hunter crowding to no less than ten percent of the average hunter participation estimated for that zone or unit during the preceding five year period. The department notes that if the commission limited the number of nonresident general hunt tags without limiting for resident hunters, the options for allocation of outfitter tags in the proposed rule would be those that currently apply to controlled hunts, including controlled hunts limited for nonresidents and unlimited for residents.

### **Negotiated Rulemaking / Fiscal Impact**

The department states that it published a Notice of Intent to Promulgate Rules - Negotiated Rulemaking in June of 2019. The department notes that it received 366 responses during the comment period and that no commenter stated interest in negotiated rulemaking. The department states that comments indicated opinions not suited to negotiation.

### **Statutory Authority**

The rulemaking appears to be authorized pursuant to sections 36-104 and 36-408, 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.