



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 18, 2019
SUBJECT: Department of Fish and Game

IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Proposed Rule (Docket No. 13-0109-1902)

IDAPA 13.01.10 - Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife - Proposed Rule (Docket No. 13-0110-1901)

1. IDAPA 13.01.09 - Rules Governing the Taking of Game Birds 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 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho. According to the department, the rule will allow Hunting Passport holders ages eight through seventeen to hunt turkey in general season turkey hunts, youth-only general hunts, turkey landowner permission hunts, and depredation hunts with the appropriate tag. In addition, the rule also replaces references in the chapter related to requirements for the department's stocked pheasant program. The department goes on to state that it replaces specific references to the WMA Upland Game Bird Permit and Wildlife Management Areas with more generic references such as Upland Game Bird Permit and locations where an Upland Game Bird Permit is required to support potential expansion of the department's pheasant stocking program to locations in addition to WMAs.

Negotiated Rulemaking / Fiscal Impact

The department notes that a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in June, 2019. The department states that the agency received 131 responses via on-line submissions and that no responses stated interest in negotiated rulemaking. The department also notes that comments received indicated a polarity of opinion not suited to negotiation.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 36-104, 36-408, and 36-1102, Idaho Code.

Kristin Ford, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
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2. IDAPA 13.01.10 - Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife

Summary and Stated Reasons for the Rule

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.10 - Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife. According to the department, under the proposed rule, the department would not issue any permit to import into Idaho any live cervid not regulated as a domestic cervid by the Idaho State Department of Agriculture because of the threat of chronic wasting disease. The department notes that the change would affect import of cervids under Department of Fish and Game authority, including mule deer, white tailed deer, moose, and wild-origin elk.

Negotiated Rulemaking / Fiscal Impact

The department notes that a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in June, 2019. The department states that the agency received 101 responses via on-line submissions and that no responses stated interest in negotiated rulemaking. The department also notes that comments received indicated a polarity of opinion not suited to negotiation.

Statutory Authority

The rulemaking appears to be authorized pursuant to Section 36-104, 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.