

Meeting Date: June 12, 2024

Agenda Item No.: 4a

Agenda Item: Petition for Rulemaking,
Modification to Fishing Methods and Gear Restrictions;
Archery and Spearfishing Exceptions IDAPA 13.01.11.200.04

Bureau Chief Approval:

Prepared by: Lance Hebdon, Bureau Chief of Fisheries

Presented by: Deputy Director Amber Worthington

Background:

At the May 2024 Commission meeting, several anglers requested modification to the gear restrictions pertaining to take of certain gamefish species by the use of underwater spearfishing in waters where the Department is trying to actively reduce their abundance to achieve management objectives. Following that meeting a petition was received requesting rulemaking to address the issue.

Statutory Authority and/or Policy Issues:

Under Idaho Code 67-5230, any person may petition an agency requesting rulemaking. The agency must: deny the petition in writing, stating its reasons for denial, or initiate rulemaking. The Commission must act on the petition no later than its first regular meeting scheduled seven (7) or more days after submission of the petition

Public Involvement Process:

Public comment at May 2024 meeting of the Commission and through Department rules e-mail address.

Justification:

Idaho Code 67-5230 requires the Commission to act on petitions for IDAPA rulemaking, either by initiation of rulemaking or by petition denial.

Staff Recommendation:

Staff agree with petitioner that there is opportunity to modify the restrictions on take of certain gamefish species. Modification may be beneficial to help reduce abundance to meet specific management objectives. Biological concerns or impacts on management outcomes related to the modification of the rule would be addressed through recommendations to the Commission on seasons and bag limits associated with any gear restriction modifications.

Sample Motion #1: I move the Department initiate negotiated rulemaking to modify the gear restrictions related to Archery and Spear Fishing Exceptions.

Sample Motion #2: I move to deny the petitioners' request for rulemaking to modify the gear restrictions related to Archery and Spear Fishing Exceptions. {State rationale for denial}