

## **IDAPA 13 – DEPARTMENT OF FISH AND GAME**

### **13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS**

**DOCKET NO. 13-0109-2001**

#### **NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 36-103, 36-104, 36-1101, and 36-1102, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 26, 2020.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved. This rulemaking will address the following:

1. Consistent with executive orders, the purpose of this rulemaking is simplification of turkey tag options offered to the hunting public. Currently, there are three types of tags available: (1) general tags, (2) extra tags, and (3) special unit tags and there are limitations on how tags may be used (IDAPA 13.01.09.102). A general tag and an extra tag may be used during the spring general season; however, if one or both go unused, the unused tag may be used during the general fall season. A second extra tag may also be used during the general fall season. A general tag or an extra tag may be used with a controlled hunt permit in the spring and fall seasons. Special unit tags may be used in designated units during any season set by the Commission. Consistent with executive orders, the purpose of this amended rule language will make it easier for the hunting public to understand tag options to hunt turkey.
  2. The rulemaking will address a delay in the nonresident pheasant opening date. Section 36-407(e), Idaho Code establishes a 5-day delay from the pheasant season opening date for nonresident holders of small game hunting licenses. The Fish and Game Commission received a rulemaking petition from residents in Franklin and Oneida counties to modify the pheasant season opening date for all nonresident hunters to November 1st. The petitioners would like resident only pheasant hunting before November 1st.
  3. This rulemaking will: establish uniform requirements for the validation and attachment of all game tags that are required for game birds under Section 36, 409(c), eliminate permit requirements for grouse species if game tags are statutorily required, and establish harvest report requirements for swan. Game tags are required for sandhill crane and turkey, with separate rule sections for validation and attachment. Legislation passed in 2020 (House Bill No. 545) established game tags for swan and set tag prices. Making tag validation and attachment requirements uniform for game bird species requiring a game tag, and eliminating permit requirements for a grouse species if a game tag is subsequently required by statute, will simplify rules consistent with executive orders. Establishing harvest report requirements for swan is a condition of federal
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agency approval of swan harvest in Idaho under the Migratory Bird Treaty Act.

4. This rulemaking would designate two special waterfowl hunting days for Veterans and Active Military personnel. Federal legislation passed in 2019 (the John D. Dingell, Jr. Conservation, Management, and Recreation Act) allows states to offer veterans & active military two (2) waterfowl hunting days, which states may offer in combination with the two (2) days allowed for youth. This rulemaking would add the allowance for participation by veterans and active service members to the youth hunt days.

**ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Paul Kline at (208) 334-3771. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at the following web address: <https://idfg.idaho.gov/>.

DATED this 1<sup>st</sup> day of May, 2020.

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