



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Senators VICK, Johnson, Stennett and,
Representatives GIBBS, Lickley, Rubel

FROM: Katharine Gerrity - Deputy Division Manager

DATE: January 11, 2021

SUBJECT: Temporary Rule

IDAPA 13.01.04 - Rules Governing Licensing - Adoption of Temporary Rule - Docket No.
13-0104-2101

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.04 – RULES GOVERNING LICENSING

DOCKET NO. 13-0104-2101

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 22, 2020.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. This action is authorized pursuant to Title 36, Idaho Code, including Sections 36-104 and 36-408, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The Governor has found that temporary rulemaking is appropriate to increase the number of general hunt elk tags set aside for outfitters to 2,800 on a statewide basis and reserve them for sale to persons who have entered into an agreement to use the services of an outfitter licensed under Chapter 21, Title 36, Idaho Code.

This rulemaking balances outfitter industry and local economic interests in conjunction with the Commission November 20, 2020 action to set nonresident tag limits for all previously uncapped general elk hunts (established by zone) to address hunter congestion and crowding. Temporary rulemaking is appropriate because the current ceiling for statewide outfitter set-aside elk tags (2,400 tags) otherwise limits outfitter elk tag allocation in previously uncapped elk zones to approximately 59% of outfitter reported annual use history. The temporary rule provides the Commission flexibility to increase the outfitter tag allocation in previously uncapped elk zones and to support potential changes in outfitter tag allocation in previously capped elk zones when the Commission sets 2021-2022 elk seasons.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1), Idaho Code, the Governor has found that the adoption of a temporary rule confers a benefit by giving the Commission the ability to reduce otherwise negative potential impacts to Idaho's outfitter industry and related potential local economic impacts. Temporary rulemaking also promotes broader community support for related Commission actions to benefit resident hunters by limiting non-resident hunters to reduce hunter congestion and crowding.

In addition, temporary rulemaking is consistent with Section 36-408, Idaho Code, as amended in 2019 and 2020, which authorizes the Commission to set the number of outfitter allocated tags for a capped elk zone based on verified outfitter use history.

FEE SUMMARY: Not applicable. This temporary rule does not impose new fees or charges.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Jon Rachael at (208) 465-8465.

Dated this 22nd day of December, 2020.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 13-0104-2101
(Only Those Sections With Amendments Are Shown.)

500. NONRESIDENT DEER AND ELK TAG OUTFITTER SET-ASIDE.

01. Tags. The following numbers of nonresident general hunt deer tags and nonresident general hunt elk tags will annually be set aside and reserved for sale to persons who have entered into an agreement to utilize the services of an outfitter licensed under Chapter 21, Title 36, Idaho Code. For each Hunting Season: (3-20-20)

a. One thousand nine hundred eighty-five (1,985) deer tags (the combined total of regular and White-tailed); (3-20-20)

b. Two thousand ~~four~~ eight hundred (2,~~4~~800) elk tags (the combined total of A and B tags for all zones). (~~3-20-20~~)(12-22-20)T

02. Restrictions. Tags for use in general hunts will be sold on a first-come, first-serve basis through July 14 of each year. Application for purchase of these tags will be made by the outfitter for the nonresident on a form prescribed by the Department. The application shall be accompanied by the appropriate license fees and a certification by the outfitter that the nonresident has a contract to hunt with the outfitter making application. (3-20-20)

03. Unsold Tags. Any tags not sold by July 15 of each year will be sold by the Department to nonresidents on a first-come, first serve basis. (3-20-20)