

Dear Senators HEIDER, Brackett, Stennett, and
Representatives GIBBS, Gestrin, Erpelding:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Department of Fish and Game:

IDAPA 13.01.11 - Rules Governing Fish - Notice of Amended Proclamation (Docket No.
13-0111-1801);

IDAPA 13.01.11 - Rules Governing Fish - Notice of Proclamation (Docket No. 13-0111-1901).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 01/24/2019. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 02/21/2019.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: January 07, 2019

SUBJECT: Department of Fish and Game

IDAPA 13.01.11 - Rules Governing Fish - Notice of Amended Proclamation (Docket No. 13-0111-1801)

IDAPA 13.01.11 - Rules Governing Fish - Notice of Proclamation (Docket No. 13-0111-1901)

1. IDAPA 13.01.11 - Rules Governing Fish - Notice of Amended Proclamation

Summary and Stated Reasons for the Rule

The Department of Fish and Game has amended by proclamation the 2018 Steelhead Fishing Season. The department previously took action to suspend steelhead fishing at the end of the day on December 7, 2018, due to the threat of litigation. The department notes that it reached a settlement and rescinded the suspension before it took effect. The agency notes that as part of the settlement, effective on December 7, 2018, until the time National Marine Fisheries Service authorizes incidental take of wild steelhead, the agency has closed the following areas to steelhead fishing: (1) the Main Salmon River between Warren Creek and the Copper Mine Boat Ramp; and (2) the South Fork of the Clearwater River upstream of the Mount Idaho Grade Bridge. The department notes that it also acted to continue the one steelhead daily bag limit through the end of 2018 and into the 2019 spring season.

Negotiated Rulemaking / Fiscal Impact

Not applicable.

Statutory Authority

Section 36-105(3), Idaho Code, provides that the Department of Fish and Game shall be excepted from the requirements of rulemaking when adopting, repealing or amending any proclamations relating to the setting of various seasons and limits, provided it publishes notice of such proposed proclamations in the Idaho Administrative Bulletin and provides notice to Legislative Services for review by the germane joint subcommittees as soon as possible after adoption by the commission.

2. IDAPA 13.01.11 - Rules Governing Fish - Notice of Proclamation

Summary and Stated Reasons for the Rule

The Department of Fish and Game has adopted by proclamation the 2019 - 2021 Fishing Seasons, establishing seasons and limits for fishing in Idaho. The department notes that it previously took action to suspend steelhead fishing at the end of the day on December 7, 2018, due to the threat of litigation. The department notes that it reached a settlement and rescinded the suspension before it took effect. The agency notes that as part of the settlement, effective on December 7, 2018, until the time National Marine Fisheries Service authorizes incidental take of wild steelhead, the agency has closed the following areas to steelhead fishing: (1) the Main Salmon River between Warren Creek and the Copper Mine Boat Ramp; and (2) the South Fork of the Clearwater River upstream of the Mount Idaho Grade Bridge. The department notes that it also acted to continue the one steelhead daily bag limit through the end of 2018 and into the 2019 spring season.

Negotiated Rulemaking / Fiscal Impact

Not applicable.

Statutory Authority

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cc: Department of Fish and Game
Sharon Kiefer

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules must 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.

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1801AP

NOTICE OF AMENDED PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency has amended by proclamation the 2018 Steelhead Fishing Season. Previously, on November 14, 2018, the agency took action to suspend steelhead fishing at the end of the day on December 7, 2018, due to a threat of litigation. After reaching a settlement the agency rescinded this suspension before it took effect. As part of this settlement, the agency implemented the following. Effective on December 7, 2018, until the time National Marine Fisheries Service authorizes incidental take of wild steelhead, the agency has closed the following areas to steelhead fishing: (1) the Main Salmon River between Warren Creek and the Copper Mine Boat Ramp, and (2) the South Fork of Clearwater River upstream of the Mount Idaho Grade Bridge. The agency also acted to continue the one steelhead daily bag limit through the end of 2018 and into the 2019 spring season.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this amended proclamation, contact Owen Moroney at (208) 334-3715.

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IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1901P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency has adopted by proclamation the 2019-2021 Fishing Seasons, establishing seasons and limits for fishing in Idaho.

Following adoption of the proclamation, on November 14, 2018, the agency took action to suspend steelhead fishing at the end of the day on December 7, 2018, due to a threat of litigation. After reaching a settlement the agency rescinded this suspension before it took effect. As part of this settlement, the agency implemented the following. Effective on December 7, 2018, until the time National Marine Fisheries Service authorizes incidental take of wild steelhead, the agency has closed the following areas to steelhead fishing: (1) the Main Salmon River between Warren Creek and the Copper Mine Boat Ramp, and (2) the South Fork of Clearwater River upstream of the Mount Idaho Grade Bridge. The agency also acted to continue the one steelhead daily bag limit through the end of 2018 and into the 2019 spring season.

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