



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Senators BURTENSHAW, Adams, Semmelroth and,
Representatives MENDIVE, Shepherd, Burns

FROM: Alli Olson - Legislative Drafter

DATE: October 15, 2024

SUBJECT: Temporary Rule

IDAPA 13.01.17 - Rules Governing Use of Bait for Hunting Big Game Animals - Temporary Rule -
Docket No. 13-0117-2402

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 Alli Olson at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13.01.02 – RULES GOVERNING MANDATORY EDUCATION, MENTORED HUNTING, AND SHOOTING RANGES

DOCKET NO. 13-0102-2401

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2025.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Section(s) 36-103, 36-104, 36-401, 36,409, 36-412, and 36-1101 Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Killing of grizzly bears as a result of misidentification by black bear hunters has involved a small number of bears in Idaho over the past 20 years, and grizzly bear populations have continued to increase and expand during that time. To reduce this limited source of human-caused mortality, the Department has conducted outreach, included bear identification in its general mandatory hunter education, and provided voluntary education measures on bear identification.

This rulemaking addresses a United States Fish and Wildlife Service (USFWS) recommendation to adopt a bear identification test (as between black bear and grizzly bear) to avoid take of grizzly bear by misidentification. The temporary rule is similar to mandatory education requirements in Washington and Montana, and Idaho's rule would recognize completion of education in those states as meeting education requirements in Idaho.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) (a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule protects public safety and welfare by promoting proper identification of grizzly and black bears during hunting activities and by aligning with the recommendation of the USFWS in a timely manner, avoiding imposition of additional regulatory burden under the Endangered Species Act, and supporting reduction in federal regulatory burden under the Endangered Species Act by providing additional state regulatory mechanisms to achieve removal of grizzly bears from the federal list of endangered and threatened wildlife.

FEE SUMMARY: There is no fee associated with the change brought by this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no fiscal impact associated with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need to promptly address the USFWS recommendation for mandatory bear identification.

INCORPORATION BY REFERENCE: This rulemaking contains no incorporation by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Amber Worthington (208) 334-3771.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2024.

DATED this 21st day of August, 2024.

Amber Worthington
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
(208) 334-3771

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 13-0102-2401
(Only Those Sections With Amendments Are Shown.)**

**13.01.02 – RULES GOVERNING MANDATORY EDUCATION,
MENTORED HUNTING, AND SHOOTING RANGES**

221. BEAR IDENTIFICATION.

No person may hunt black bear unless they have completed an online bear identification test (as between grizzly bear and black bear) administered by the Department of other state wildlife management agency with a passing score, as proven by printed certification. One may take a test repeatedly to pass. (1-1-25)T

224.2. – 249. (RESERVED)