

Dear Senators BAIR, Vick, 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 13.01.06 - Rules Governing Classification and Protection of Wildlife - Proposed Rule
(Docket No. 13-0106-1701);

IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Notice of
Proclamation (Docket No. 13-0109-1704).

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 10/24/2017. 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 11/22/2017.

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 334-4834, 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: October 04, 2017

SUBJECT: Department of Fish and Game

IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife - Proposed Rule (Docket No. 13-0106-1701)

IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Notice of Proclamation (Docket No. 13-0109-1704)

1. IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.06 - Rules Governing Classification and Protection of Wildlife. According to the department, the purpose of the rulemaking is to reclassify Red Squirrel from a Protected Nongame Species to an Upland Game Animal which will allow the Fish and Game Commission to set a harvest season. The department indicates that negotiated rulemaking was not conducted due to the simple nature of the rulemaking. The rulemaking appears to be authorized pursuant to Sections 36-104 and 36-201, Idaho Code.

2. IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho - Notice of Proclamation

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. The department's proclamation relates to the establishment of the 2017 Sage Grouse Season. The department notes that a public hearing before the commission will be in Jerome, Idaho on November 16, 2017.

cc: Department of Fish and Game
Sharon Kiefer

Mike Nugent, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

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IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.06 – RULES GOVERNING CLASSIFICATION AND PROTECTION OF WILDLIFE

DOCKET NO. 13-0106-1701

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 36-104 and 36-201, 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 18, 2017.

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rule reclassifies Red Squirrel from a Protected Nongame Species to an Upland Game Animal which will allow the Fish and Game Commission to set a harvest season.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This proposed rule has no associated fee.

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 resulting from this rulemaking:

This proposed rule change will have no impact to the state general fund. It would have an estimated positive fiscal impact of less than five hundred dollars (\$500) to the fish and game dedicated fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

This proposed rule does not include an incorporation by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Sharon W. Kiefer, (208) 334-3771.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 31st day of August, 2017.

Sharon W. Kiefer
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut, P.O. Box 25
Boise, Idaho, 83707
Tel: (208) 334-3771
Fax: (208) 334-4885

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0106-1701
(Only Those Sections With Amendments Are Shown.)

101. CLASSIFICATION OF WILDLIFE - UPLAND GAME ANIMALS.

01. Upland Game Animals. (7-1-93)
- a. Mountain cottontail - *sylvilagus nuttallii*. (4-6-05)
- b. Pygmy rabbit - *brachylagus idahoensis*. (7-1-93)
- c. Snowshoe hare - *lepus americanus*. (7-1-93)
- ~~d.~~ Red squirrel - *tamiasciurus hudsonicus*. ()

(BREAK IN CONTINUITY OF SECTIONS)

200. PROTECTED NONGAME SPECIES.

01. Mammals. (7-1-93)
- a. American pika - *ochotona princeps*. (4-6-05)
- b. Bats - all species. (4-6-05)
- c. Chipmunks - *neotamias spp.* (4-6-05)
- d. Columbia Plateau (Merriam's) ground squirrel - *spermophilus canus vigilis*. (4-6-05)
- e. Golden-mantled ground squirrel - *spermophilus lateralis*. (7-1-93)
- f. Great Basin (piute) ground squirrel - *spermophilus canus vigilis*. (4-6-05)
- g. Kit fox - *vulpes macrotis*. (7-1-93)
- h. North American wolverine - *gulo gulo luscus*. (4-6-05)
- i. Northern flying squirrel - *glaucomys sabrinus*. (7-1-93)
- ~~j.~~ Red squirrel - *tamiasciurus hudsonicus*. (~~7-1-93~~)
- ~~k.~~ Rock squirrel - *spermophilus variegatus*. (4-6-05)
- ~~l.~~ Southern Idaho ground squirrel - *spermophilus brunneus endemicus*. (4-6-05)
- ~~m.~~ Wyoming ground squirrel - *spermophilus elegans nevadensis*. (4-6-05)
02. Birds. (3-29-10)
- a. Bald eagle - *haliaeetus leucocephalus*. (3-29-10)

- b.** Peregrine falcon - *falco peregrinus*. (3-29-10)
- c.** All native species, except game birds and threatened and endangered wildlife. (3-29-10)
- 03. Amphibians.** All native species (4-6-05)
- 04. Reptiles.** All native species. (4-6-05)
- 05. Fish.** (4-6-05)
 - a.** Bear Lake sculpin - *cottus extensus*. (4-6-05)
 - b.** Northern leatherside chub - *lepidomeda copei*. (3-29-12)
 - c.** Sand roller - *percopsis transmontana*. (4-6-05)
 - d.** Shoshone sculpin - *cottus greenei*. (4-6-05)
 - e.** Wood River sculpin - *cottus leiopomus*. (4-6-05)
 - f.** Bluehead sucker - *catostomus discobolus*. (3-29-12)

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1704P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency is proposing to adopt by proclamation the 2017 Sage Grouse Season establishing season and limits for hunting in Idaho.

PUBLIC HEARING SCHEDULE: The next public hearing before the Fish and Game Commission will be:

**Thursday, November 16, 2017
Approximately 7:00 p.m. (MST)**

**324 S. 417 East, Suite 1
Jerome, ID 83338**

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed proclamation, contact James Stoll at (208) 334-3715.

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at (208) 334-5159 or through the Idaho Relay Service at 1(800) 377-2529 (TDD).