

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

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

IDAPA 13.01.08 - Rules Governing Taking of Big Game Animals - Proposed Rule (Docket No.  
13-0108-2301).

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 11/03/2023. 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 12/01/2023.

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.



**Terri Kondoff**  
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 13, 2023  
**SUBJECT:** Department of Fish and Game

IDAPA 13.01.08 - Rules Governing Taking of Big Game Animals - Proposed Rule (Docket No. 13-0108-2301)

#### Summary and Stated Reasons for the Rule

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.08 - Rules Governing Taking of Big Game Animals. According to the department, it was asked to evaluate the rule for muzzleloaders and the availability of other metal projectiles. The proposed rulemaking allows for the use of any metal or metal alloy and removes the restriction of non-jacketed projectiles. The department notes that the proposed rule also allows for accuracy tips and pressure bases.

#### Negotiated Rulemaking / Fiscal Impact

According to the department, negotiated rulemaking was conducted and there is no fiscal impact to the general fund.

#### Statutory Authority

The rulemaking appears to be authorized by Sections 36-103, 36-104, 36-409, and 36-1101, Idaho Code.

cc: Department of Fish and Game  
Amber Worthington

#### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules may 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.

Paul Headlee, Deputy Director    Matt Drake, Manager    Keith Bybee, Manager    April Renfro, Manager    Norma Clark, Manager  
Legislative Services Office    Research & Legislation    Budget & Policy Analysis    Legislative Audits    Information Technology

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**IDAPA 13 – DEPARTMENT OF FISH AND GAME**  
**13.01.08 – RULES GOVERNING TAKING OF BIG GAME ANIMALS**  
**DOCKET NO. 13-0108-2301**  
**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given this agency has initiated proposed rulemaking. The action is authorized pursuant to Section(s) 36-103, 36-104, 36-409, and 36-1101, 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, 2023.

In the event a hearing is scheduled, the hearing site 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:

The Department was asked to evaluate this rulemaking to address the decreasing availability of lead-only projectiles for muzzleloaders and the availability of other metal projectiles. Consequently, the proposed rule allows for the use of any metal or metal alloy and removes the restriction of non-jacketed projectile. Additionally, the proposed rule allows for accuracy tips and pressure bases.

**FEE SUMMARY:** There is no fee associated with this rule.

**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: There is no fiscal impact associated with this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, a Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the April 7, 2023 Idaho Administrative Bulletin, [Vol. 23-4, page 17](#) under Docket No. 13-0108-2301. The Department received little feedback around the staff recommendations for proposed changes to the rulemaking and those comments received from the public had no comments around the changes and felt current rules were appropriate.

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

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions about the proposed rules, contact Amber Worthington, 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, 2023.

DATED this 29th day of August, 2023.

Amber Worthington Deputy Director  
Idaho Department of Fish and Game  
600 S. Walnut Street  
P.O. Box 25 Boise, ID 83707  
Phone (208) 334-3771  
Fax (208) 334-4885  
Email: [rules@idfg.idaho.gov](mailto:rules@idfg.idaho.gov)

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0108-2301  
(Only Those Sections With Amendments Are Shown.)

406. SPECIAL WEAPON SEASONS – MUZZLELOADER.

01. Muzzleloader Only Season. ~~During a season designated by Commission proclamation as a Muzzleloader Only season, it~~ is unlawful to take a big game animal with any firearm, including muzzleloading pistols, or implement other than a muzzleloading rifle or musket that complies with each of the following:

(3-31-22)( )

a. Is at least forty-five (.45) caliber for deer, pronghorn, mountain lion, or gray wolf, or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (3-31-22)

b. Is capable of being loaded only from the muzzle. (3-31-22)

c. Is equipped only with open or peep sights. (3-31-22)

d. Is loaded only with loose black powder including synthetic black powder. (3-31-22)

e. Is equipped with no more than two (2) barrels. (3-31-22)

f. Is loaded only with a projectile with a diameter within one hundredth (.01) of an inch of the bore diameter. (3-31-22)

g. Is equipped only with flint, musket cap, or percussion cap. 209 primers are prohibited. (3-31-22)

h. Is equipped with an exposed ignition system. (3-31-22)

i. Is loaded only with a patched round ball or conical ~~non-jacketed metal or metal alloy~~ projectile, ~~comprised wholly of lead or lead alloy~~ with the exception of allowance of accuracy tips and pressure bases.

(3-31-22)( )

02. Pelletized Powder. It is unlawful to use pelletized powder in a Muzzleloader Only season. (3-31-22)

03. Sabot. It is unlawful to use a sabot in a Muzzleloader Only season. (3-31-22)