

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 13.01.04 - Rules Governing Licensing - Proposed Rule (Docket No. 13-0104-1701);

IDAPA 13.01.04 - Rules Governing Licensing - Proposed Rule (Docket No. 13-0104-1702);

IDAPA 13.01.04 - Rules Governing Licensing - Proposed Rule (Docket No. 13-0104-1703).

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 13.01.04 - Rules Governing Licensing - Proposed Rule (Docket No. 13-0104-1701)

IDAPA 13.01.04 - Rules Governing Licensing - Proposed Rule (Docket No. 13-0104-1702)

IDAPA 13.01.04 - Rules Governing Licensing - Proposed Rule (Docket No. 13-0104-1703)

#### **1. IDAPA 13.01.04 - Rules Governing Licensing**

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.04 - Rules Governing Licensing. According to the department, the purpose of the rulemaking is to modify Sections 900 and 901, "Children with Special Needs Big Game Tag" and "Disabled Veterans Special Big Game Tag." The department states that the proposed changes are being made to put certain limitations on use of the special big game hunt tags, create an application and draw process when eligible applications exceed the number of tags, and to designate one disabled veterans special big game tag to the Idaho Division of Veterans Services to sponsor a resident applicant.

The department notes that negotiated rulemaking was not conducted because the department received 477 responses via on-line submissions and one letter in response to the notice of intent for negotiated rulemaking. The department adds that many comments were not within the scope of the proposed rules and that comments within the scope of rulemaking did not identify issues for negotiation among commenters. The department stated that further negotiation of the proposed rule among all stakeholders was deemed infeasible. The rulemaking appears to be authorized pursuant to Section 36-408, Idaho Code.

#### **2. IDAPA 13.01.04 - Rules Governing Licensing**

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.04 - Rules Governing Licensing. According to the department, the purpose of the rulemaking is to include all of Controlled Hunt Area 11 for the bighorn sheep auction and lottery tags to be consistent with the general controlled hunt tag for this hunt.

Mike Nugent, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

The department states that negotiated rulemaking was not conducted for the proposed changes because the department received 145 responses via on-line comments in response to the notice of intent for negotiated rulemaking. The department indicates that comments received did not identify issues for negotiation and that further negotiation of the proposed rule among all stakeholders was deemed infeasible. The rulemaking appears to be authorized pursuant to Section 36-408, Idaho Code.

### **3. IDAPA 13.01.04 - Rules Governing Licensing**

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.04 - Rules Governing Licensing. According to the department, the proposed changes would allow the Fish and Game Commission the flexibility to create an outfitter allocation of big game tags for an unlimited controlled hunt when a nonresident big game tag limitation is established. The department adds that the purpose of the change is to maintain nonresident clientele for outfitters participating in unlimited controlled hunts.

The department states that negotiated rulemaking was not conducted for the proposed changes because the department received 848 responses via on-line submissions and several additional letters and messages via e-mail in response to the notice of intent for negotiated rulemaking. The department indicates that comments received indicated polarity of opinion not subject to negotiation and that further negotiation of the proposed rule among all stakeholders was deemed infeasible. The rulemaking appears to be authorized pursuant to Section 36-408, Idaho Code.

cc: Department of Fish and Game  
Sharon Kiefer

# **IDAPA 13 – DEPARTMENT OF FISH AND GAME**

## **13.01.04 – RULES GOVERNING LICENSING**

### **DOCKET NO. 13-0104-1701**

#### **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 Section 36-408, 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:

It is being proposed that Sections 900 and 901 be changed to put certain limitations on use of the special big game hunt tags, create an application and draw process when eligible applications exceed the number of tags, and to designate one (1) disabled veterans special big game tag to the Idaho Division of Veterans Services to sponsor a resident applicant.

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

The proposed rules have 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:

The proposed rules will have no impact on the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted for changes proposed in Sections 900 and 901 because the Department of Fish and Game received 477 responses via on-line submissions and one letter in response to the notice of intent for negotiated rulemaking. Many comments were not within the scope of the proposed rules. Comments within the scope of rulemaking did not identify issues for negotiation among commenters. Further negotiation of the proposed rule among all stakeholders was deemed infeasible.

**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:

The proposed rules do not include incorporation by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules for Sections 900 and 901, contact Sharon W. Kiefer at (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 1st day of September, 2017.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0104-1701**  
**(Only Those Sections With Amendments Are Shown.)**

**900. CHILDREN WITH SPECIAL NEEDS BIG GAME TAG.**

**01. Availability.** The Department shall make up to five (5) big game tags available for children with life threatening medical conditions each year. (3-29-10)

**a.** Any of the five (5) big game tags described in Section 901 that have not been issued by July 15 each year may also be available for children with life threatening conditions. (3-29-10)

**02. Issuance.** The Commission delegates *discretionary* authority to issue ~~a~~ **each** special needs tag to the Director. (~~3-29-10~~)(      )

**03. Eligibility.** In order to receive a special needs big game tag, a resident or nonresident minor (seventeen (17) years of age or younger) must have a life threatening medical condition as certified by a qualified and licensed physician. (3-29-10)

**a.** A qualified applicant must be sponsored by a nonprofit organization that is qualified under section 501(c) (3) of the Internal Revenue code. (3-8-07)

**b.** The primary mission of the sponsoring organization must be to offer opportunities and experiences to minor children with life threatening medical conditions. (3-8-07)

**c.** Minimum age requirements and hunter education requirements are waived for individuals applying for or receiving a special needs big game tag. (3-29-10)

**04. Validity of Tag.** ~~The~~ **Each** special needs tag shall be valid for **only** one (1) **of the following species:** deer, ~~one (1)~~ elk, ~~one (1)~~ pronghorn, ~~one (1)~~ moose, ~~one (1)~~ black bear, or ~~one (1)~~ mountain lion as allowed by Commission proclamation. (~~4-7-11~~)(      )

**a.** A license is not required to apply for or receive a special needs big game tag. (3-29-10)

**b.** The special needs tag is valid in any open hunt, controlled or general, as provided by Commission proclamation, **EXCEPT the use of the special needs tag is restricted from use in any Controlled Hunt with less than five (5) controlled hunt tags.** (~~3-29-10~~)(      )

**c.** Applicants may only receive one (1) special needs tag in a lifetime. (3-29-10)

**d.** In exercising hunting privileges, the ~~holder~~ **recipient** of a special needs tag must be accompanied by an adult in possession of a valid Idaho big game hunting license. (~~3-29-10~~)(      )

**05. Application.** Applications shall be on a form as prescribed by the Director. (3-8-07)

a. Applications shall be submitted on behalf of applicants by an eligible nonprofit organization and must be received by the Department on January 2 through January 31 of the calendar year for the hunt to be considered eligible. (3-8-07)( )

b. Applications received by the Department after January 31 may be considered on a first come basis if there are not sufficient eligible applications. ( )

~~b.c.~~ A copy of the nonprofit organization's IRS determination letter must accompany the application. (3-8-07)

06. **Fees.** All fees associated with applying for and receiving a special needs tag shall be waived. (3-29-10)

07. **Random Draw.** Eligible applications will be randomly drawn for tag issuance if the number of applications exceed the number of tags available. ( )

08. **Nonresident Tag Limitation.** Not more than one (1) special needs tag will be issued to a nonresident unless there are insufficient applications for resident applicants. ( )

~~09.~~ **Hunters with Disabilities Permit Fees.** All fees associated with applying for or receiving a Disabled Persons Motor Vehicle Hunting Permit or a Disabled Archery Permit by the recipient of a special needs tag are waived. (3-29-10)

~~08~~10. **Application of Big Game Rules.** All rules governing the taking of Big Game Animals, IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho," shall apply to holders any recipient of a special needs big game tag. (3-8-07)( )

#### 901. DISABLED VETERANS SPECIAL BIG GAME TAG.

01. **Availability.** The Department shall make up to five (5) big game tags available for disabled veterans, of which one (1) tag will be designated to the Idaho Division of Veterans Services for a resident applicant. (3-29-10)( )

a. Any of the five (5) big game tags described in Section 900 that have not been issued by July 15 each year may also be available for disabled veterans. (3-29-10)

02. **Issuance.** The Commission delegates ~~discretionary~~ authority to issue ~~a~~ each disabled veterans special big game tag to the Director. (3-29-10)( )

03. **Eligibility.** In order to receive a disabled veterans special big game tag, a resident or nonresident must be a disabled veteran, as certified by the Department of Veterans Affairs. (3-29-10)

a. A qualified applicant must be sponsored by a nonprofit organization that is qualified under section 501(c) (3), 501 (c) (4), or 501 (c) (19) of the Internal Revenue Code or sponsored by a governmental agency. (4-11-15)

b. A mission of the sponsoring organization or governmental agency must be to afford opportunities, experiences, and assistance to disabled veterans. (3-29-10)

c. Hunter education requirements are waived for individuals applying for or receiving a disabled veterans special big game tag. (3-29-10)

04. **Validity of Tag.** The Each disabled veterans special big game tag shall be valid for only one (1) of the following species: deer, ~~one (1)~~ elk, ~~one (1)~~ pronghorn, ~~one (1)~~ moose, ~~one (1)~~ black bear, or ~~one (1)~~ mountain lion as allowed by Commission proclamation. (3-29-10)( )

a. A license is not required to apply for or receive a disabled veterans special big game tag. (3-29-10)

- b.** The disabled veterans special big game tag is valid in any open hunt, controlled or general, as provided by Commission proclamation, EXCEPT the use of the disabled veterans big game tag is restricted from use in any Controlled Hunt with less than 5 controlled hunt tags. ~~(3-29-10)~~( )
- c.** Applicants may only receive one (1) disabled veterans special big game tag in a lifetime. (3-29-10)
- 05. Application.** Applications shall be on a form as prescribed by the Director. (3-29-10)
- a.** Applications shall be submitted on behalf of applicants by an eligible nonprofit organization or governmental agency and must be received by the Department on January 2 through January 31 of the calendar year for the hunt to be considered eligible. ~~(3-29-10)~~( )
- b.** Applications received by the department after January 31 may be considered on a first come basis if there are not sufficient eligible applications. ( )
- b.c.** A copy of the nonprofit organization's IRS determination letter must accompany the application. (3-29-10)
- 06. Fees.** All fees associated with applying for and receiving disabled veterans special big game tag shall be waived. (3-29-10)
- 07. Random Draw.** Eligible applications will be randomly drawn for tag issuance if the number of applications exceed the number of tags available. ( )
- 08. Nonresident Tag Limitation.** Not more than one (1) disabled veterans special big game tag will be issued to a nonresident unless there are insufficient applications for resident applicants. ( )
- 079. Hunters with Disabilities Permit Fees.** All fees associated with applying for or receiving a Disabled Persons Motor Vehicle Hunting Permit or a Disabled Archery Permit by the recipient of a disabled veterans special big game tag are waived. (3-29-10)
- 0810. Application of Big Game Rules.** All rules governing the taking of Big Game Animals, IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho," shall apply to holders any recipient of a disabled veterans special big game tag. ~~(3-29-10)~~( )

# **IDAPA 13 – DEPARTMENT OF FISH AND GAME**

## **13.01.04 – RULES GOVERNING LICENSING**

### **DOCKET NO. 13-0104-1702**

#### **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 Section 36-408, 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:

It is being proposed that Sections 700 and 800 be changed to include all of Controlled Hunt Area 11 for the bighorn sheep auction and lottery tags to be consistent with the general controlled hunt tag for this hunt.

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

The proposed rules have 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:

The proposed rules will have no impact on the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted for changes proposed in Sections 700 and 800 because the Department of Fish and Game received 145 responses via on-line comments in response to the notice of intent for negotiated rulemaking. Comments received did not identify issues for negotiation. Further negotiation of the proposed rule among all stakeholders was deemed infeasible.

**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: The proposed rules do not include incorporation by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules for Sections 700 and 800 contact Jon Rachael at (208)334-2920.

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 1st day of September, 2017.

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



**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0104-1702**  
**(Only Those Sections With Amendments Are Shown.)**

**700. BIGHORN SHEEP AUCTION TAG.**

**01. Eligibility.** In order to be eligible to bid on the bighorn sheep auction tag, a person must be eligible to purchase an Idaho hunting or combination license. (3-29-12)

**02. Validity of Tag.** The Bighorn Sheep Auction Tag shall be valid in Unit Controlled Hunt Area 11 only during odd-numbered years and during even-numbered years when the Bighorn Sheep Lottery Tag holder chooses not to hunt in Unit Controlled Hunt Area 11. (~~3-29-12~~)(    )

**03. License and Controlled Hunt Tag.** (3-29-12)

**a.** A hunting license and controlled hunt tag will be provided to the successful bidder from the net proceeds of the auction. (4-7-11)

**b.** The successful bidder for the Bighorn Sheep Auction Tag must file a notarized affidavit within fifteen (15) days of the successful bid if the hunting license and tag are to be designated to another individual. (3-29-12)

**04. Application of Big Game Rules.** All rules governing the Taking of Big Game Animals, IDAPA 13.01.08, shall apply to the eligible and successful bidders other than as specified herein. (7-1-93)

**a.** No successful bidder shall be eligible to apply for a bighorn sheep controlled hunt tag the same year the bidder is issued a Bighorn Sheep Auction Tag. (3-29-12)

**b.** A person receiving a Bighorn Sheep Auction Tag, but who is unsuccessful in taking a bighorn sheep, shall be eligible to bid the following year for another Bighorn Sheep Auction Tag. (3-29-12)

**c.** A person successful in taking a bighorn sheep with a bighorn sheep tag shall be eligible to bid the following year. (3-29-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**800. BIGHORN SHEEP LOTTERY TAG.**

**01. Eligibility.** (7-1-93)

**a.** In order to win and be issued the Bighorn Sheep Lottery Tag, a person must be eligible to purchase an Idaho hunting or combination license. (4-7-11)

**b.** If any person wins the Bighorn Sheep Lottery Tag and has already been drawn for a bighorn sheep controlled hunt tag for the same year, the controlled hunt tag shall be returned to the Department and voided and the tag fees refunded. The lottery tag will be valid to hunt bighorn sheep that year. (4-7-11)

**02. Validity of Tag.** The Bighorn Sheep Lottery Tag shall be valid in Unit Controlled Hunt Area 11 only during even-numbered years and during odd-numbered years when the Bighorn Sheep Auction Tag holder chooses not to hunt in Unit Controlled Hunt Area 11. (~~3-29-12~~)(    )

**03. Tag.** (3-29-12)

**a.** A hunting license (if needed) and a controlled hunt tag will be provided to the lottery tag winner from the net proceeds of the lottery. (3-29-12)

**b.** Lottery tickets are not transferable. The Bighorn Sheep Lottery Tag shall be issued to the person whose name appears on the winning ticket, and may not be transferred to another individual. (3-29-12)

**04. Application of Big Game Rules.** All Rules Governing the Taking of Big Game Animals shall apply to the eligible ticket purchasers and lottery tag winner, other than as specified herein. (7-1-93)

**a.** A person receiving a bighorn sheep lottery tag shall be eligible to purchase lottery tickets the following year for another bighorn sheep lottery tag. (3-30-01)

**b.** A person successful in taking a bighorn sheep with a bighorn sheep lottery tag shall be eligible to purchase lottery tickets the following year. (3-20-04)

**c.** Any person who wins a Bighorn Sheep Lottery Tag, and who is otherwise eligible to apply for a deer, elk or pronghorn controlled hunt tag and who has drawn such a tag, shall be allowed to hunt for those species during the same year the Bighorn Sheep Lottery Tag is valid. (3-29-12)

# **IDAPA 13 – DEPARTMENT OF FISH AND GAME**

## **13.01.04 – RULES GOVERNING LICENSING**

### **DOCKET NO. 13-0104-1703**

#### **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 Section 36-408, 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:

It is being proposed that Section 505 be changed to allow the Fish and Game Commission the flexibility to create an outfitter allocation of big game tags for an unlimited controlled hunt when a nonresident big game tag limitation is established. The purpose of this change is to maintain nonresident clientele for outfitters participating in unlimited controlled hunts.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: The proposed rules have 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: The proposed rules will have no impact on the state general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted for changes proposed in Section 505 because the Department of Fish and Game received 848 responses via on-line submissions and several additional letters and messages via email in response to the notice of intent for negotiated rulemaking. Comments received indicated a polarity of opinion not subject to negotiation. Further negotiation of the proposed rule among all stakeholders was deemed infeasible.

**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: The proposed rules do not include incorporation by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rules for Section 505 contact Jon Rachael at (208)334-2920.

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 1st day of September, 2017.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 13-0104-1703  
(Only Those Sections With Amendments Are Shown.)

505. DEER AND ELK TAG ALLOCATION.

01. Allocation of Tags for Capped General Hunt Units of Zones. Pursuant to Section 36-408, Idaho Code, the Fish and Game Commission may allocate a number of deer and/or elk tags for use by hunters with signed agreements with licensed outfitters in zones with limited numbers of tags. ~~(3-25-13)~~( )

a. When the number of hunters in a general hunt unit or zone becomes restricted, the Department will calculate the initial number of allocated tags for each zone using the Idaho Outfitters and Guides Licensing Board's records of average historic use during the previous five (5) year period. Where it is biologically feasible, any reductions in the number of tags available within a zone which exceeds twenty percent (20%) will be spread over a three (3) year period with a maximum reduction of fifty percent (50%) taken in the first year and twenty-five percent (25%) in the second year. (3-25-13)

b. The allocation of tags will be calculated on a zone basis. Any reduction or increase in hunting opportunities will be proportionate among non-outfitted hunters and outfitted hunters and will be proportionate among resident and non-resident hunters; EXCEPT where such reduction would result in an allocation of greater than twenty-five percent (25%) for non-resident hunters, the Commission may reduce the allocation for non-resident hunters to a percentage of not less than twenty-five percent (25%). (3-25-13)

02. Allocation of Tags for Controlled Hunt Areas. The commission may set a nonresident tag limit for any controlled hunt area, including an area where tags available to residents are unlimited. The Commission may only those allocate outfitter tags in controlled hunt areas with historic licensed deer and/or elk outfitted area(s) ~~may be considered for a tag allocation~~. Hunt application and eligibility rules will apply to allocated tags in controlled hunts. ~~The allocation will be calculated on a controlled hunt area basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, non-outfitted nonresident hunters, and outfitted hunters.~~ ~~(3-25-13)~~( )

a. The number of outfitter allocated tags will be in addition to the number of tags authorized by the Commission within each controlled hunt area with historic licensed deer and/or elk outfitter areas. ~~(4-7-11)~~( )

b. Prior to submitting an application for an outfitter allocated controlled hunt, the applicant must have a written agreement with an outfitter licensed in the hunt area. Successful applicants of an outfitter allocated controlled hunt must hunt with an outfitter licensed for the hunt area. The outfitter must purchase the successful applicant's controlled hunt tag by August 20. (4-7-11)

c. Successful applicants who do not want to participate in the outfitted hunt can decline the hunt upon written notification to the Department. Those declining the hunt will then be eligible to participate in a general season or leftover controlled hunt. Those drawing an outfitted controlled hunt and then declining the controlled hunt will be subject to the appropriate waiting period. (5-3-03)

d. Successful applicants that do not secure the services of an Idaho licensed outfitter and have not purchased the controlled hunt tag by August 20 will forfeit the opportunity to purchase a controlled hunt tag. The forfeited controlled hunt tag will then be listed as a leftover controlled hunt tag. The Department will inform the Idaho Outfitters and Guides Board that a leftover controlled hunt tag is available. After securing a client, the outfitter(s) may then purchase the leftover controlled hunt tag at a Department regional or headquarters office. (4-7-11)

e. The number of outfitter allocated tag(s) will be determined by using one (1) of the following options: ~~(4-7-11)~~( )

i. ~~The number of allocated tags available within the controlled hunt area will be~~ No less than one (1) tag and no more than three percent (3%) ~~of the total tags~~; or ~~(4-7-11)( )~~

ii. ~~The~~ ~~number~~ ~~of tags available within the controlled hunt area will be~~ based on the average historic use during the previous five (5) year period ~~and calculated tag numbers will be~~ to be rounded up when ~~controlled hunt tags~~ a decimal equals or exceeds zero point six (0.6) and rounded down when ~~controlled hunt tags are~~ a decimal is less than zero point six (0.6); or ~~(4-7-11)( )~~

iii. An unlimited number of allocated tags or a number of allocated tags based on historic use as alternatives only for controlled hunt areas with limited nonresident tags and unlimited resident tags; or ( )

iv. No tags will be allocated. (7-1-99)