

Meeting Date: July 24, 2024

Agenda Item No. 5B1

Agenda Item: Administrative Rules: Adoption of Proposed Rules – Trapping of Wildlife and Taking of Furbearing Animals (Action)

Bureau Chief Approval: JF

Prepared by: Amber Worthington, Deputy Director

Background:

Consistent with Executive Order 2020-01 for Zero-Based Regulation, the Commission is reviewing one chapter of IDAPA rules this year:

- **13.01.16** – Trapping of Wildlife and Taking of Furbearing Animals

Following opportunity for negotiated rulemaking, staff prepared proposed rule language for the Commission’s consideration for this ZBR chapter.

Statutory Authority and/or Policy Issues:

Idaho Code 36-104 grants authority to the Commission to set seasons and promulgate IDAPA rules. Idaho Code 67, Chapter 52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing IDAPA rules. Idaho Code 67-5220 provides for negotiated rulemaking, and Idaho Code 67-5221 provides for adoption of proposed rules for additional public notice and comment.

Public Involvement Process:

Notices of Intent to Promulgate Rules via Negotiated Rulemaking for the ZBR Chapter reviews was published in the May 1, 2024 Administrative Bulletin. The Notice indicated the subject of the rulemaking and identified opportunities for the public to express interest in negotiated rulemaking as well as provided for a public meeting opportunity.

In addition to staff on hand for questions, representatives from Idaho Wildlife Federation, Idaho Outfitters and Guides Association (IOGA), Idaho Outfitters and Guides Licensing Board, and Division of Financial Management attended the negotiated rulemaking meeting held for Chapter 16 on May 30, 2024. Attendees had the opportunity to provide input on the rulemaking.

Justification:

Idaho Code (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing IDAPA rules.

Staff Recommendation: The staff recommendation for proposed rule language is presented in the documentation provided to you.

Sample Motions:

I move the Commission adopt the proposed rule as presented, with authority for the Department to make non-substantive edits in the proofreading process that do not alter the sense, meaning or effect of the rules.