

**Meeting Date:** July 24, 2024

**Agenda Item No. 5B3**

**Agenda Item:** Administrative Rules: Adoption of Proposed Rules – Rules Governing Fish, Fishing Methods and Gear (Action)

**Bureau Chief Approval: JF**

**Prepared by:** Amber Worthington, Deputy Director

**Background:**

The Commission authorized rulemaking on June 12, 2024 for one proposal that was sent to the Department in May 2024 after the Commission was approached at the May 2024 Commission meeting. The proposal put forth was to consider a rule change to expand opportunities for spearfishing.

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

**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 was published in the July 3, 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.

Representatives from Idaho Wildlife Federation, Idaho Outfitters and Guides Licensing Board, Idaho Freediving and Spearfishing Club, and Idaho Spearfishing Club, and other members of public attended the negotiated rulemaking meeting held for Chapter 11 on July 9, 2024. Attendees had the opportunity to provide input on the rulemaking and comments have also been emailed to the rules inbox.

**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.