

Meeting Date: May 11, 2023

Agenda Item No. 6

Agenda Item: Rulemaking & Program Updates

Bureau Chief Approval: JF

Prepared by: Amber Worthington

Background:

This is a summary of rulemaking the Commission has directed the Department to initiate.

Special Weapons Seasons - Muzzleloader

- The Commission and the Department received multiple requests for rulemaking to modify the rule around muzzleloaders, most specific to bullets. There have been additional inquiries related to other components of muzzleloader supplies.
- At the January 26, 2023 meeting, the Commission directed staff to begin the work on Chapter 8, section 406 and initiate negotiated rulemaking to consider a modification of rule to allow for metal or metal alloy bullets or other modifications.
- A Notice to Conduct Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin.
- Staff will review the outcome of this negotiated rulemaking meeting and present Commission options regarding “next steps” for this rulemaking idea at the July quarterly meeting of the Commission.

Governor’s Zero-Based Regulation Rulemaking

- This rulemaking continues efforts to clean-up agency rules initiated in 2019 as part of the Governor’s Red Tape Reduction Act.
- The Commission provided direction to staff to initiate Negotiated Rulemaking for the third year of the effort on the following chapters: **13.01.06** – Rules Governing Classification and Protection of Wildlife; **13.01.11** – Rules Governing Fish; **13.01.12** – Commercial Fishing; **13.01.15** – Rules Governing the Use of Dogs.
- Notices to conduct Negotiated Rulemaking for these chapters were published in the April 5, 2023 Idaho Administrative Bulletin.
- Staff held negotiated rulemaking meetings on Chapters 6 on Monday, April 17th, Chapter 15 on Tuesday, April 18th, and Chapter 8, Section 406 on Wednesday, April 19th.
- No parties identified themselves as interested in participating in the negotiated rulemaking process for Chapters 6 and 15 and the Department received only two written comments around Chapter 8, Section 406.
- Negotiated rulemaking meetings are scheduled for Chapters 11 and 12 on April 25 and April 26, respectively. The Commission will be apprised of these meetings and any additional activity from the other chapters during the May Commission meeting.
- Staff will bring proposed rule changes for approval in front of the Commission at the July quarterly meeting.

Statutory Authority and/or Policy Issues:

Idaho Code 36-104 grants authority to the Commission to 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:

Public involvement occurs through the negotiated rulemaking process and the Commission's public input opportunities.

Staff Recommendation:

Informational only.

Background (Program Updates):

The Commission is authorized to issue free permits or tags for specific programs and to prescribe by rule how the permits or tags are issued.

Children with Special Needs Big Game Tag Program -Each year, the Department provides five game tags for children with life-threatening medical conditions. The child must be 17 years of age or younger and must be sponsored by a qualified non-profit 501(c) organization. Tags may be used for deer, elk, pronghorn, moose, black bear or mountain lion. Tags are valid for any open hunt (controlled or general). Tags may not be used for controlled hunts with fewer than five tags offered. The application window is January 2 through January 31. The draw of the tag is a once-in-a-lifetime opportunity.

This year’s drawing was held April 18, 2023. Applications for seven children were received from three sponsoring organizations (Hunt of a Lifetime, Hunting Dreams and Outfitters 4 Hope). Tags were issued to two resident and three nonresident children.

Disabled Veterans Special Big Game Tag Program - The Department also provides five game tags for disabled veterans. Two of the five tags are designated to the Idaho Division of Veterans Services. Special Big Game Tags are only issued to disabled veterans who are sponsored by a qualified non-profit 501(c) organization. Tags may be used for deer, elk, pronghorn, moose, black bear or mountain lion. Tags are valid for any open hunt (controlled or general). Tags may not be used for controlled hunts with fewer than five tags offered. The application window is January 2 through January 31. The draw of the tag is a once-in-a-lifetime opportunity.

The Department works cooperatively with Division of Veterans Services staff to plan and conduct this drawing. The drawing was held April 17, 2023.

Commission Community Challenge Grant Program.

Applications for the Fiscal Year 2023 Community Challenge Grants were accepted between March 1 and April 22, 2023.

Regional teams and the statewide team will be convened to review and rank applications. Recommendations for funding will come before the Commission for their consideration at their July, 2023 Commission meeting.

Statutory Authority and/or Policy issues:

Section 36-408, Idaho Code, identifies that the Fish and Game Commission has authority to issue free permits or tags to minor children with life-threatening medical conditions and that the Commission may prescribe by rule the manner and conditions of issuing and using permits or tags authorized under this subsection of Code (see IDAPA 13.01.04.900)

Section 36-408, Idaho Code, also identifies that the Commission has authority to issue free permits or tags to military veterans with disabilities and that the Commission may prescribe by rule the manner and conditions of issuing and using permits or tags authorized under this subsection of Code (see IDAPA 13.01.04.901).

Public Involvement Process:

The Idaho Fish and Game Department and Commission routinely solicit and receive public input.

Staff Recommendation:

Information only.