

Meeting Date: Nov. 18-19, 2015

Agenda Item: 5. B.

Bureau Chief Approval: _____

Prepared by: W. Dallas Burkhalter
Deputy Attorney General

Background: As part of the rulemaking process under the Idaho Administrative Procedure Act (IDAPA), the Commission needs to adopt as **Pending Rules** those Proposed Rules previously promulgated during the last rulemaking year. We have referred to this process as 'ratification' because the Commission is formally approving rules which it has already promulgated. This approval is needed for the rules to be reviewed by the 2016 Legislature. If the Pending Rules are accepted by the Legislature, the rules will become Final Rules.

Statutory Authority and/or Policy issues: The IDAPA provision for adopting Pending Rules and the legislative review process is Idaho Code Section 67-5224. There are no policy issues. This is an annual step in the rulemaking process.

Public Involvement Process: The public involvement process has already occurred during previous Commission meetings and Department open houses.

Staff Recommendation: I recommend that the Commission adopt as **Pending Rules** the following Proposed Rules:

- 1) Docket No. 13-0102-1501 Proposed. IDAPA 13.01.02 – Rules Governing Hunter Education and Mentored Hunting. This rule clarifies the limits of the Hunting Passport for 8 year old children.
- 2) Docket No. 13-0108-1501 Temporary and Proposed. IDAPA 13.01.08 – Rules Governing the Taking of Big Game in the State of Idaho. This rule is to clarify the disabled hunters who are eligible for designated hunter companion exceptions, and the eligibility of senior and disabled hunters to purchase leftover youth controlled hunt tags.
- 3) Docket No. 13-0108-1502 Temporary and Proposed. IDAPA 13.01.08 - Rules Governing the Taking of Big Game in the State of Idaho. The purpose of the rule is to clarify eligibility requirements for controlled hunt tags designated to a child or grandchild, and to make technical corrections.
- 4) Docket No. 13-1009-1501 Temporary and Proposed Rule. IDAPA 13.01.09 Rules Governing the Taking of Game Birds in the State of Idaho. The purpose of the rule is to increase goose hunting opportunities in the Hagerman Valley and to help reduce goose conflicts with agricultural producers. The goose hunting closure in the Hagerman valley in Gooding and Twin Falls Counties is partially rescinded.
- 5) Docket No. 13-0109-1502 Temporary and Proposed. IDAPA 13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho. The purpose of the rule is to allow one new method of take (crossbow) for forest grouse, which is already an approved method of take for certain other big game species in general hunts so the weapon allowance does not represent new weaponry or new technology.
- 6) Docket No. 13-0111-1501 Proposed. IDAPA 13.01.11 - Rules Governing Fish. This rule establishes specific conditions to allow the removal of the heads and tails of trout, bass, and tiger muskie for transit or while in the field.
- 7) Docket No. 13-0111-1502 Temporary and Proposed. IDAPA 13.01.11 - Rules Governing Fish. This rule would allow take and possession of Coho salmon with an intact adipose fin in the Clearwater drainage. Additionally, the rules are updated and obsolete language removed before the printing of the next triennial seasons brochure.

- 8) Docket No. 13-0116-1501 Proposed. IDAPA 13.01.16 – The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. The proposed rule would establish a mandatory trapper education class, the class length, and the required subject matter to be covered.
- 9) Docket No. 13-0117-1501 Proposed. IDAPA 13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. This rule clarifies the criteria for the distance of black bear baiting sites from water, trails, and established roadways.

Justification: This is a required step in the IDAPA rulemaking process.