

**Meeting Date:** April 11, 2019

**Agenda Item No. 2**

**Agenda Item:** Negotiated Rule Proposals

Nonresident Tag Limitation in General Elk/Deer Hunts

**Prepared by:** Wildlife Bureau

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**Information/non-action item:** The Department seeks Commission feedback on a proposal for negotiated rulemaking.

**Description:** The Department is considering negotiated rulemaking to authorize the Commission to limit by proclamation the number of nonresident deer/elk tags in general hunt areas where there is not a limit (cap) on resident tags, and related consideration of allocation of outfitter tags. One rule concept is authorizing the Commission to limit nonresident tags for a general hunt area to no less than 10% of estimated resident tags.

**Initial steps for Negotiated Rulemaking/Public Involvement:**

- Request Governor's Office Approval (File AARF): 4/19/19
- File Notice of Intent (NOI) for Negotiated Rulemaking with Office of Admin Rules: 5/3/19
- Publication in Administrative Bulletin for 21-day public comment: 6/5/19
- Update the Commission on rulemaking proposal at the July 2019 meeting

**Statutory Authority/Policy issues:**

Idaho Code 36-104 grants authority to the Commission to set seasons and adopt administrative rules. The Idaho Administrative Procedure Act (Idaho Code Title 67 Chapter 25) governs the process for considering, adopting, and implementing IDAPA rules.

**Other negotiated rulemakings on the above schedule (briefed at prior meetings):**

- Eligibility of passport holders ages 8 & 9 to buy turkey tags
- Authority for the Commission to set by proclamation the areas where a WMA upland bird permit is required for persons 18 and older to hunt/possess pheasant (areas where the Department stocks pheasants)
- Delayed eligibility for controlled hunt applicants to buy big game tags in areas with tag limits (caps) (e.g., 5 days after the first date of availability of capped tags)
- Restriction of import of live mule deer, white-tailed deer and moose into Idaho
- Requirements for wolf snaring (evaluating combination of diverters, snare stops and breakaway devices)