

**Meeting Date:** May 17, 2017

**Agenda Item No. 6.b.**

**Agenda Item:** Non-negotiated Rule Proposal Briefing    **Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Sharon W. Kiefer

**Background:** Existing law defines the expectations of negotiated rulemaking to adopt, amend, or repeal a rule. The Commission may determine negotiated rulemaking is infeasible when rules: are temporary, are simple in nature, lack identifiable representatives of affected interests, or affect interests that are not likely to reach consensus. However, there is still public input opportunity for non-negotiated rules through public outreach such as media releases, posting for input on the IDFG website, and the Commission public meeting.

Non-negotiated rules require a Proposed Administrative Review Form (PARF) for authorization for rulemaking by the Governor's office. After the Commission has adopted any proposed rules, they are published for an additional 21 day public input period in the Administrative Bulletin before the Commission adopts them as pending rules (at which point they are transmitted to the Legislature). IDAPA rules must be upheld by the Legislature to become a final rule.

There are several rule "clean-ups" that the Department believes negotiation is infeasible and will initiate formal rulemaking to present proposed rules to the Commission at the July meeting as follows; draft language for each rule is attached. These rules are generally simple in nature and do not implement new regulatory expectations. The draft proposals are attached.

Staff would provide rule recommendations to the Commission at the July meeting for decision.

- a) Proposed Rule: Revise reference to mandatory school for Unit 39 controlled archery hunt to reflect current implementation of mandatory hunter orientation.
- b) Proposed Rule: Revise rule prescribing elements of Mandatory Harvest Report Form submission to reflect current implementation.
- c) Temporary and Proposed Rule: Rescind rule requiring payment of moose, bighorn sheep, or mountain goat tag fee at the time of application to coincide with the new, increased application fee for these species. *NOTE – this rule tied to change in law and temporary rulemaking necessary to publish information about the 2018 trophy species applications in case the 2018 session runs long and a final rule is not effective in time.*
- d) Proposed Rule: Refine reporting requirements for wolf harvest to rescind telephone reporting, which is no longer applicable to management because there are no longer zone quotas.

**Statutory Authority and/or Policy issues:**

Idaho Code 36-104 grants authority to the Commission to promulgate IDAPA rules. Idaho Code 67-52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing IDAPA rules.

**Public Involvement Process:**

Media outreach and notification for comment at the Commission public meeting in July.

**Justification:**

Commission action is required to revise IDAPA Rules.

**Staff Recommendation:**

No action at this point.

**Action Requested:**

This item is for information only, no action is required.