

Meeting Date: May 19, 2022

Agenda Item No. 6

Agenda Item: Rulemaking update

Bureau Chief Approval: ES

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Background:

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

Statutory Authority and/or Policy Issues:

The Commission has authority to conduct rulemaking. The Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) governs rulemaking in Idaho.

Public Involvement Process:

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

Status of Rulemaking:

Accommodation for Blind Hunters

- The Commission and the Department received a petition for rulemaking on February 8, 2022 to modify the rule related to the attachment of electronic devices to a firearm or scope and to provide an accommodation for blind and visually impaired hunters to use attachments to scopes.
- At the March 24, 2022 meeting, the Commission directed staff to initiate negotiated rulemaking to consider an accommodation for blind or visually impaired hunters that would allow the attachment of electronic devices to a scope.
- A Notice to Conduct Negotiated Rulemaking was published in the April 6, 2022 Idaho Administrative Bulletin.
- Staff will review the outcome of this negotiated rulemaking meeting and present Commission options regarding "next steps" for this petitioned rulemaking idea at the July Quarterly meeting of the Commission.

Outfitter Tag Allocation

- The new framework for managing non-resident deer and elk hunters in over-the-counter hunts required development of a system for allocating tags to outfitted hunters by unit or zone.
- The Commission has endeavored to minimize the impact to outfitters, and to the extent possible, keep them whole as the new framework is implemented.
- The industry has identified concerns related to 1) allocated tags being managed as a subset of the portion of tags reserved for non-residents, and 2) the opportunity for an outfitter to grow their allocation.
- In recognition of the concerns of the industry with regard to allocation in the newly limited units and zones, at their January 27, 2022 meeting, the Commission directed staff to engage in agency sponsored negotiated rule-making to consider adjustments to the allocation process for 2023-2024.

- A Notice to Conduct Negotiated Rulemaking was published in the April 6, 2022 Idaho Administrative Bulletin.
- A negotiated rulemaking meeting will be scheduled in June, 2022. Staff will review the outcome of this negotiated rulemaking meeting and present Commission options regarding “next steps” for this petitioned 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 second year of the effort on the following chapters: **13.01.02** – Rules Governing Mandatory Education and Mentored Hunting; **13.01.10** – Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife; **13.01.14** – Rules Governing Falconry; **13.01.18** – Rules Governing Feeding of Pronghorn, Elk, and Deer.
- Notices to conduct Negotiated Rulemaking for these chapters were published in the April 6, 2022 Idaho Administrative Bulletin.
- Staff held negotiated rulemaking meetings on Chapters 2 and 14 on Monday, May 16.
- No parties identified themselves as interested in participating in the negotiated rulemaking process for Chapters 10 and 18.
- Staff will review the outcome of this negotiated rulemaking meeting and present Commission options regarding “next steps” for this petitioned rulemaking idea at the July Quarterly meeting of the Commission.