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Background:

Proposed changes to Commission administrative rules have arisen through several avenues this year: citizen/organization petitions for rulemaking, changes prompted by state legislative changes, changes stemming from revised federal allowances for waterfowl hunting and approval processes for waterfowl hunts under the Migratory Bird Treaty Act, and Department-identified changes (which include changes for simplification consistent with Executive Order 20-01 for Zero-Based Regulation).

At prior meetings, the Commission directed the Department to publish notices of negotiated rulemaking on some of these proposed changes. The Department proceeded with publication of notices consistent with direction from the Governor’s Office to consolidate rulemakings by IDAPA chapter. In conjunction with these notices, the Department provided the public with potential rule language and received public input. Because none of the commenters stated an interest in negotiated rulemaking, the Department has proceeded with development of proposed rule language for the Commission’s consideration.

Statutory Authority and/or Policy Issues:

Idaho Code 36-104 grants authority to the Commission to set seasons and 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:

Four Notices of Intent to promulgate rules (negotiated rulemaking) were published in the Administrative Bulletin on June 3, 2020, each with a 21-day public comment period. The Notices and the Department’s website provided background information on the rulemakings and opportunities for comment through the Department website and web-based e-mail address, including both specific questions and open-ended formats. Summaries of public comment for the various proposals are attached.

Justification:

Idaho Code (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing IDAPA rules.

Staff Recommendation: The staff recommendation for proposed rule language is presented by chapter in the following pages. These include proposed rules for:

- 13.01.04 Rules Governing Licensing
- 13.01.08 Rules Governing the Taking of Big Game Animals
- 13.01.09 Rules Governing the Taking of Game Birds
- 13.0.01.16 Rules Governing Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

Sample Motion:

I move the Commission adopt proposed rules as presented.