

**Meeting Date: July 23, 2020**

**Agenda Item No. 5. C. 5-6**

**Agenda Item: Temporary Rulemaking (Action)**

**Bureau Chief Approval: PK**

**Prepared by:** Toby Boudreau

**Background:**

Proposed changes to Commission administrative rules have arisen through several avenues this year, with staff recommend proposed rulemaking as described for the preceding agenda item for proposed rulemaking.

The Department recommends certain of these proposed changes take effect sooner than 2021, which requires temporary rulemaking:

1. Establish limits for nonresident Disabled Veteran deer and elk tags (to align with nonresident tag sales for 2021, with sales beginning on December 1, 2020).
2. Establish tagging and harvest report requirements to support a fall 2020 swan season, needed for consistency with federal approval.
3. Designate two special waterfowl hunting days for veterans and active military (prompted by 2019 federal legislation allowing states to make such designations).

**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 67-5226 provides for adoption of temporary rules. Consistent with 67-5226, the Governor's office has authorized temporary rulemaking, and the Department has provided recommended language for concurrent proposed rulemaking.

**Public Involvement Process:**

See previous agenda item for proposed rulemaking.

**Justification:**

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

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

- 13.01.04 Rules Governing Licensing
- 13.01.09 Rules Governing the Taking of Game Birds

**Sample Motion:**

I move the Commission adopt temporary rules as presented with an effective date of 12-1-2020 for nonresident DAV tag limits, and an effective date of 8-1-2020 for the temporary rules for taking of game birds.