

**Meeting Date:** January 23, 2020

**Agenda Item No.** 7

**Agenda Item:** Rulemaking update

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Paul Kline/Toby Boudreau

### **Background:**

To date, the following potential rulemaking ideas have been identified for Commission consideration:

Land Owner Appreciation tag application period date range change: The purpose of this rulemaking idea is to move draw dates for the Landowner Appreciation Program (LAP) to an earlier in time in the year to provide landowners with adequate notification of draw results for hunts beginning in August. Applications from landowners for LAP controlled hunt tags are currently accepted from June 15 through July 15 (IDAPA 13.01.04). Moving the application period to an earlier time in the year (e.g., May 1- June 5), would provide additional processing time and help ensure that timely draw result notification is provided to landowners. Negotiated rulemaking is recommended.

Turkey tag simplification – The purpose of this rulemaking idea is to reduce the complexity associated with turkey tag options offered to the hunting public. Currently, there are three types of tags available: (1) general tags, (2) extra tags, and (3) special unit tags and there are limitations on how tags may be used (IDAPA 13.01.04). A general tag and an extra tag may be used during the spring general season; however, if one or both go unused, the unused tag may be used during the general fall season. A second extra tag may also be used during the general fall season. A general tag or an extra tag may be used with a controlled hunt permit in the spring and fall seasons. Special unit tags may be used in designated units during any season set by the Commission. Staff will identify potential changes to reduce current rule complexity. Negotiated rulemaking is recommended.

Swan season rulemaking - The Commission approved agency-sponsored legislation to define game tags for swans (36-409, Idaho Code) and a price schedule for swan tags (36-416, Idaho Code). This legislative idea was approved by the Governor's office and will come before the 2020 Idaho Legislature for approval. Migratory game bird tags, permits, validations and methods of take are defined in rule (IDAPA 13.01.09). Currently there are no rules governing the taking of swans. The purpose of this rulemaking idea is to adopt necessary rules under this section of IDAPA to govern the taking of swans. Temporary rulemaking (following the 2020 Legislative session) would be needed to establish a fall 2020 swan hunting season. Negotiated rulemaking is recommended for final rule development.

Pronghorn controlled hunt draw waiting period - The purpose of this rulemaking idea is to define in rule that any person whose name was drawn on a controlled pronghorn hunt may NOT apply for any other controlled pronghorn hunt for one (1) year. The proposed waiting period is consistent with rule (IDAPA 13.01.08) governing the take of antlered deer and elk and is expected to increase the opportunity to draw pronghorn controlled hunts in Idaho. Negotiated rulemaking is recommended.

### **Statutory Authority and/or Policy Issues:**

The Commission has rulemaking authority. The Idaho Administrative Procedure Act (Title 67, Chapter 52, Idaho Code) governs rulemaking in Idaho. Annually, the Commission considers ideas for rulemaking that may be driven by enactment of a new or amended statute by our state Legislature, enactment of a new law or regulation by the federal

government, a citizen's petition to amend or adopt a new rule, a change in an agency's process or procedure requirements or a need to simply update a rule. Typically, the Commission discusses rulemaking ideas early in the calendar year and provides direction to staff to initiate rulemaking no later than their regularly scheduled March meeting so proper and timely notice can be given to the public with opportunity to participate in the rulemaking process (e.g., initiated with a notice of intent to promulgate rules published in the Idaho Administrative Bulletin).

**Public Involvement Process:**

Public involvement would occur through the negotiated rulemaking process and the Commission's public input opportunity.

**Justification:**

This addresses Commission interest in rulemaking.

**Staff Recommendation:**

This agenda item is for Commission feedback on potential negotiated rulemaking. Staff will provide updates and make recommendations on adoption of temporary/proposed rules at subsequent meetings.