

**Idaho Fish and Game Commission
Special Meeting – May 20, 2021
Idaho Department of Fish and Game
Legislative Conference Call
Nampa, Idaho**

A meeting of the Idaho Fish and Game Commission was held by telephone conference, attended by Commissioners Brad Corkill, Don Ebert, Tim Murphy, Greg Cameron, Lane Clezie, Derick Attebury and Ron Davies.

IDFG staff present: Director Schriever, Deputy Directors Paul Kline and Scott Reinecker; Deputy Attorney General Kathleen Trever, Deputy Attorney General Owen Moroney, Frank Edelmann, Mary Boyer, Kim Rau, and Michael Pearson.

IDFG staff participating via phone, J.J. Teare, Jon Rachael, Dan Garren, Jim White, Tom Curet, Sharon Kiefer, Toby Boudreau, and Greg Wooten.

Chairman Greg Cameron called the meeting to order at 8:00 a.m. MDT

SEASON SETTING AND RULEMAKING

Omnibus Rulemaking Adoption of Temporary Rules

Deputy Director Kline provided the following rulemaking update for adoption of Omnibus Temporary Rules.

Deputy Kline identified that this temporary rulemaking adopts and publishes existing and previously approved and codified chapters of IDAPA 13, rules of the Department of Fish and Game. This rulemaking exempts fee sections of rules that the Department previously adopted as temporary rules. The rulemaking action includes edits that do not significantly change the effect of existing rules, streamlining state government through the repeal/ simplification of outdated or ineffective rules in compliance with Executive Order 2020-01, Zero Based Regulation, (including the incorporation of edits addressed via negotiated rulemaking conducted under this Order in spring of 2021).

Omnibus Temporary Rulemaking includes the following elements:

- Non-substantive changes to the following IDAPA chapters that may include relocation of provisions from other chapters
 - Mandatory Education & Mentored Hunting (13.01.02)
 - Use of Fish & Game Lands (13.01.03)
 - Classification of Wildlife (13.01.06)
 - Import, Possession, Release, Sale or Salvage of Wildlife (13.01.10)
 - Fish (13.01.11)
 - Commercial Fishing (13.01.12)
 - Falconry (13.01.14)

- Use of Dogs (13.01.15)
- Feeding of Pronghorn, Elk & Deer (13.01.18)
- Vendor Selection, Operation, Etc. (13.01.19)
- Year-one Zero-Based Regulation rule amendments (Executive Order 2020-01)
 - Commission Rules of Procedure (13.01.01) - Changes consistent with current practices.
 - Taking of Wildlife (13.01.07) - Replacement of current chapter (Upland Game Animals) to consolidate provisions for season setting & exceptions, game management unit/zone descriptions, closure areas, shooting hours, wounding.
 - *Note: Staff recommendations for changes to some game management units are deferred to later rulemaking to avoid confusion with 2021 big game brochure.*
 - Game Birds & Upland Game Animals (13.01.09)
 - Reorganization to improve clarity and incorporate upland game animal provisions from current (13.01.07)
 - Incorporate pending rule changes for swan, game tags, veterans waterfowl
 - Incorporate Sage Grouse Tag legislative outcome (H235)
 - Make controlled hunt application provisions more generic to encompass potential for turkey, swan, sandhill crane, include nonresident limit (10%) consistent with big game controlled hunts
 - Include caliber restriction for airgun for turkey.
 - *Note: Consideration of one request (outside of negotiated rulemaking) regarding use of rifle in fall turkey seasons deferred to later rulemaking.*
- Other chapter changes
 - Licensing (13.01.04)
 - Noncontroversial consolidation of Disabled Archery & Reasonable Accommodation Permit for Administrative Simplicity
 - Clarified raw pelt possession and mandatory check requirements related to hides for black/grizzly bear, mountain lion and gray wolf (only a portion of hide is needed)
 - Delete outdated Size evidence provision for bighorn sheep
 - Update of DAV identification (for new USDOD cards)
 - Includes LAP Tag Application Period in Pending Rules (with change in Leftover tag sale date)
 - Big Game (13.01.08)
 - Noncontroversial change to reflect "first choice only" processing to encompass pronghorn in addition to elk and deer
 - Clarify/Simplify use of Nonresident deer/elk tag for wolf, mountain lion, black bear
 - Methods of Take/Shooting Hours Section (placeholder) to address legislative outcome of S1211
 - Keep Outfitter Elk Tag set-aside (temporary rule adopted 1/21) at 2,800
 - *Note: Consideration of Petition for Increase in Outfitter Deer & Elk Tag Set-asides deferred to later rulemaking (negotiated rulemaking did not result in consensus)*
 - Availability of unsold nonresident deer and elk tags (tags remaining in statewide quota as of Aug. 1) to residents for use as a 2nd tag in the same manner as a 1st resident tag (unless proclamation prohibits 2nd tag use in the unit/zone); under

current rule, the same limits/allowances that apply to the nonresident tag apply to the resident who buys it as a 2nd tag.

- *Note: Deputy Attorney General Trever provided legal opinion to the Commission regarding this proposed amendment to IDAPA 13.01.08.*
- Trapping & Taking of Furbearing Animals (13.01.16)
 - Changes to Consolidate Wolf Trapping Provisions (currently in 13.01.17) with other Trapping, consistent with legislative outcomes (H091 and S1211)
- Bait For Hunting (13.01.17)
 - Changes to Delete Wolf Trapping Provisions (relocated to 13.01.16 per above); chapter renamed for reduced content (Use of Bait for Hunting Big Game Animals)

Staff recommendation was for the Commission to adopt (as a temporary rule) language presented in this Omnibus rulemaking action:

Pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of these rule is appropriate to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare, of the citizens of Idaho and deprive them of the benefit intended by these rules. Therefore, we are adopting these temporary rule to be effective upon July 1, 2021. The approval is conditional and will only become effective if the rules are not otherwise approved or rejected by the Legislature and/or not extended pursuant to the Idaho Administrative Procedure Act, including sections 67-5291 and 67-5292, Idaho Code. The Commission authorizes staff to make any appropriate nonsubstantive formatting or typographical corrections before submitting these rules for publication.

21-37 Commissioner Corkill moved and Commissioner Murphy seconded a motion to adopt the Omnibus Package as presented by staff. Motion carries.

Adjourn



Greg Cameron
Chairman



Ed Schriever
Secretary

