

Meeting Date: November 17, 2016

Agenda Item No. 5.E.

Agenda Item: Review Public Input About Proposed Rules to Administer Take of Delisted Greater Yellowstone Grizzly Bear

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background:

The Commission is not proposing to open a hunting season for grizzly bear in the Greater Yellowstone Ecosystem, and the Department is not making any recommendation to open such a hunting season. However, in conjunction with the delisting process, staff recommended that the Commission adopt rules related to the administration of potential take through hunting should the Commission open a season after delisting. Following an information briefing to the Idaho Fish and Game Commission on May 17, 2016, the Department submitted a Notice of Intent to initiate negotiated rule making for publication in the July 6, 2016 issue of the Administrative Bulletin. The publication contained seven rule proposals, which were made available for public review on the Department's website. Public comments were gathered during the July 6, 2016 Commission hearing, and via email, Department website, and direct mail during a 21-day comment period running from July 6 through 27, 2016.

On August 8, staff reported to the Commission that the majority of comments elicited through negotiated rulemaking did not address the rule proposals. The Commission adopted the Department's recommendation to determine that negotiated rulemaking was not feasible and they adopted the rules as proposed to be published in the Administrative Bulletin on October 5, 2016 for public input through October 26, including a public hearing that was scheduled October 12. The proposed rule docket published for public input is attached as is the summary of the rules presented at the public hearing.

Statutory Authority and/or Policy Issues:

Idaho Code 36-104(b)(2) and 36-105 grant authority to the Commission to set seasons and limits through proclamation and adopt IDAPA rules and orders. Rules governing the taking of big game animals are provided in IDAPA 13.01.08. Idaho Code, title 67, chapter 52 (Idaho Administrative Procedure Act) governs the rulemaking process to adopt, amend, or repeal IDAPA rules.

Public Involvement Process:

The Commission received briefings regarding the proposed rulemaking during May 17, July 7, and August 8 2016 meetings. Opportunity for public comment to the Commission occurred in conjunction with two of these meetings. The notice of rulemaking and method of public participation was formally published in the Idaho Administrative Bulletin on July 6, 2016, under Docket No. 13-0108-1601. Negotiated Rule proposals were made available for public review on the Department's website and comments were accepted during a 21-day comment period, July 6-27, 2016. During this public comment period the Department received approximately 12,000 comments. Approximately 50 comments referenced the rule proposals with any specificity. Comments regarding the specific rule proposals in the context of administering a hunting season involved few, and relatively minor, recommendations differing from the rule proposals. Subsequent to determination that negotiated rulemaking was infeasible, proposed rules were published in the Administrative Bulletin with a public comment period and public hearing noted above in the "Background". Three people testified at the public hearing. Through October 27, comments from 24 individuals or groups had been received.

Staff Recommendation: Comment review is underway and a summary will be presented to the Commission with a staff recommendation.

Suggested Motion: Staff will provide a suggested motion upon discussion of the public input with the Commission.