

Meeting Date: Nov. 16 - 17, 2016

Agenda Item: 5. I.

Bureau Chief Approval: _____

Prepared by: W. Dallas Burkhalter
Deputy Attorney General

Background: As part of the rulemaking process under the Idaho Administrative Procedure Act (IDAPA), the Commission needs to adopt as **Pending Rules** those Proposed Rules previously promulgated during the last rulemaking year. We have referred to this process as 'ratification' because the Commission is formally approving rules which it has already promulgated. This approval is needed for the rules to be reviewed by the 2017 Legislature. If the Pending Rules are accepted by the Legislature, the rules will become Final Rules.

Statutory Authority and/or Policy issues: The IDAPA provision for adopting Pending Rules and the legislative review process is Idaho Code Section 67-5224. There are no policy issues. This is an annual step in the rulemaking process.

Public Involvement Process: The public involvement process has already occurred during previous Commission meetings and Department open houses.

Staff Recommendation: I recommend that the Commission adopt as **Pending Rules** the following Proposed Rules:

- 1) **Docket No. 13-0102-1601** Proposed Rule (Fee Rule). Rules Governing Hunter Education and Mentored Hunting. The rules implement a mandatory trapping education program for trappers who purchased their first trapping license on or after July 1, 2011, broadens the description of mandatory education, establishes fees for mandatory hunter, archery, and trapping education, integrates reference to existing archery education pursuant to Sections 36-411 and 36-412, Idaho Code, and deletes an obsolete rule about practical handling and shooting of firearms requirement for hunter education certification.
- 2) **Docket No. 13-0108-1601** Proposed Rule. Rules Governing the Taking of Big Game in the State of Idaho. The proposed rules administer grizzly bear hunting should the Idaho Fish and Game Commission authorize hunting after grizzly bear in the Greater Yellowstone Ecosystem are taken off the federal endangered species list. The proposed rules do not make any decision to delist grizzly bears and do not propose to open any hunting season for grizzly bear in Idaho.
- 3) **Docket No. 13-0108-1603** Proposed Rule. Rules Governing the Taking of Big Game in the State of Idaho. Rule will increase the amount of time from one to two years that a hunter must wait after drawing an antlered-only deer or elk tag to be eligible to apply again for an antlered-only deer or elk controlled hunt.
- 4) **Docket No. 13-1009-1501** Temporary and Proposed Rule. Rules Governing the Taking of Game Birds in the State of Idaho. This rule modifies the current boundary of the Hagerman goose hunting closure area to remove certain private property to allow hunting to reduce goose depredation on crops.

5) **Docket No. 13-0109-1602** Temporary and Proposed Rule. Rules Governing the Taking of Game Birds in the State of Idaho. The rule simplifies the age and mentor requirements for youth-only hunts to make them more consistent and updates the rule to be consistent with legislative revision of Section 36-409(i), Idaho Code, in 2016.

6) **Docket No. 13-0111-1601** Proposed Rule. Rules Governing Fish. This rule provides opportunity to harvest unclipped summer Chinook salmon in the Clearwater River.

7) **Docket No. 13-0117-1601** Temporary and Proposed. Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. This rule revises the distance from road and trails for placing bear bait in the Panhandle and Clearwater regions because hilly terrain and an extensive road network make the current standard infeasible in many areas of these regions.

Justification: This is a required step in the IDAPA rulemaking process.