

Dear Senators BURTENSHAW, Bayer, Nelson, and
Representatives KAUFFMAN, Andrus, Toone:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Department of Agriculture:

IDAPA 02.04.25 - Rules Governing Private Feeding of Big Game Animals (Chapter Repeal) -
Proposed Rule (Docket No. 02-0425-2201).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/10/2022. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/08/2022.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: October 25, 2022

SUBJECT: Department of Agriculture

IDAPA 02.04.25 - Rules Governing Private Feeding of Big Game Animals (Chapter Repeal) - Proposed Rule (Docket No. 02-0425-2201)

Summary and Stated Reasons for the Rule

The Idaho State Department of Agriculture (ISDA) submits notice of proposed rule at IDAPA 02.04.25 - Rules Governing Private Feeding of Big Game Animals. This is a chapter repeal. According to the department, this rulemaking will integrate Idaho Fish and Game and ISDA's restrictions into a single rule chapter under Idaho Fish and Game's authority to regulate the feeding of wildlife, to continue protection of the health of livestock, domestic cervids, domestic bison, and wildlife. The department specifically notes that the proposed rule specifically identifies geographic areas identified in the department's current rule to prevent brucellosis transmission between wildlife and livestock. The department states that Fish and Game proposes to change rule wording (previously "pronghorn, elk, and deer") to distinguish wild cervids that are managed by Fish and Game and domestic cervids that are managed by the department.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was not conducted and there is no fiscal impact as a result of the rule.

Statutory Authority

The rulemaking appears to be authorized pursuant to Section 25-207A, Idaho Code.

cc: Department of Agriculture
Lloyd Knight

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Glenn Harris, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 02 – IDAHO STATE DEPARTMENT OF AGRICULTURE
02.04.25 – RULES GOVERNING PRIVATE FEEDING OF BIG GAME ANIMALS
DOCKET NO. 02-0425-2201 (CHAPTER REPEAL)
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 25-207A, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 26, 2022.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Department of Fish and Game (IDFG) facilitated a Zero-Based Rulemaking (ZBR) re-write of IDAPA 13.01.18 Rules Governing Feeding of Wild Cervids (Docket No. 13-0118-2201). IDFG and the Idaho State Department of Agriculture (ISDA) have evaluated the potential to consolidate regulation of private feeding of wild cervids under IDFG's authority in this rule chapter, such that ISDA Rules Governing Private Feeding of Big Game Animals, IDAPA 02.04.25, is proposed to be repealed.

This proposed rulemaking includes changes to integrate current IDFG and ISDA restrictions into a single rule chapter under IDFG's authority to regulate the feeding of wildlife, to continue protection of the health of livestock, domestic cervids, domestic bison, and wildlife. For example, the proposed rule specifically identifies geographic areas identified in ISDA's current rule to prevent brucellosis transmission between wildlife and livestock. IDFG proposes to change rule wording (previously "pronghorn, elk, and deer") to distinguish "wild cervids" managed under IDFG authority from "domestic cervids" regulated under ISDA authority. The agency also proposes to present the statement of rule intent in the cover sheet published in the Administrative Code, instead of in the rule chapter itself as done currently. The rule also incorporates language related to the Commission's management of Chronic Wasting Disease in wild cervids.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees including in this rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact because of the repeal of this rule.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this is a repeal of a rule because of regulation of private feeding of big game animals that is otherwise implemented by another state agency, the Idaho Department of Fish and Game.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

There is no Incorporation by Reference section in this rule that is proposed to be repealed.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lloyd Knight at lloyd.knight@isda.idaho.gov or (208)332-8664.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2022.

DATED this October 5, 2022.

Lloyd B. Knight
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IDAPA 02.04.25 IS BEING REPEALED IN ITS ENTIRETY