

**Meeting Date:** March 24, 2022

**Agenda Item No. 5.D**

**Agenda Item:** Petition for Rulemaking,  
Accommodations for Blind and  
Visually Impaired Hunters

**Bureau Chief Approval:** ES

**Prepared by:** Jim Fredericks

**Background:**

The Commission and the Department received the attached petition for rulemaking on February 8, 2022 to modify the rule related to the attachment of electronic devices to a firearm or scope. Under existing rule (IDAPA 13.01.08.410.01.e), it is unlawful to hunt with any electronic device attached to, or incorporated in, the firearm (including handguns and shotguns) or scope; except scopes containing battery powered or tritium lighted reticles are allowed.

The petitioner is requesting a rule change to provide an accommodation for blind and visually impaired hunters to use attachments to scopes. There are currently a number of devices that allow a simple phone camera to be attached to a scope that allow a companion hunter to assist in lining up a shot. The petition explicitly states she is not seeking to legalize "Smart" scopes that tell a hunter windage, range, or bullet trajectory.

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

Under Idaho Code 67-5230, any person may petition an agency requesting rulemaking. The agency must: deny the petition in writing, stating its reasons for denial, or initiate rulemaking. The Commission must act on the petition no later than its first regular meeting scheduled seven (7) or more days after submission of the petition.

**Public Involvement Process:**

Department staff received this petition as a written letter and through Department e-mail address. The topic of blind hunting generated additional interest through a front page article in the Idaho Statesman on February 13, 2022.

**Justification:**

Idaho Code 67-5230 requires the Commission to act on petitions for IDAPA rulemaking, either by initiation of rulemaking or by written petition denial.

**Staff Recommendation:**

Staff identified no biological concerns or impact on management outcomes related to accommodating blind or visually impaired hunters by allowing attachment of an electronic device to a scope. Staff have no recommendation on the petition.

**Sample Motion #1:**

I move the Department initiate negotiated rulemaking to consider an accommodation for blind or visually impaired hunters that would allow the attachment of electronic devices to a scope.

**Sample Motion #2:**

I move to deny the petitioners' request for rulemaking to consider an accommodation for blind or visually impaired hunters that would allow the attachment of electronic devices to a scope.