

Meeting Date: November 20, 2020

Agenda Item No. 5D

**Agenda Item: Petition for Rulemaking to
Change Controlled Hunts
Application Eligibility for
Hunters Over Age 70 (75)**

Bureau Chief Approval: TB

Prepared by: Toby Boudreau

Background:

On November 4, 2020, the Idaho Department of Fish and Game (IDFG) and Idaho Fish and Game Commission (Commission) received a petition for adoption of a rule related to controlled hunt application eligibility. The petition asks for the adoption of a rule that would allow hunters age 70 (75) and older to be eligible to apply for both once in a lifetime species and deer, elk, and antelope in the same year.

Statutory Authority and/or Policy Issues:

Idaho Code section 67-5230 allows any person to petition an agency to adopt a rule and requires agencies to either “deny the petition in writing, stating its reasons for the denial” or initiate rulemaking. The Commission must take action on the petition no later its first regularly scheduled meeting after submission of the petition. I.C. § 67-5230(1)(b).

The Commission has authority to promulgate rules under Idaho Code, Title 36.

IDAPA 13.01.08.257.11 makes any person who applies for one-in-a-lifetime species (bighorn sheep, mountain goat, grizzly bear, or moose) controlled hunt ineligible to apply for most other controlled hunts in the same year (exceptions for unlimited controlled hunts, depredation or extra tag hunts, and controlled black bear or wolf). This petition would create a rule that would benefit older hunters by allowing them to apply for both controlled hunt types.

Current Commission policy is keep those application processes separate making hunters choose to apply for either one species hunt for moose, sheep, goat or to be able to apply for all three deer, elk and antelope. The policy helps maintain better drawing odds for both application processes.

Staff Recommendation:

With the recent receipt of the petition, staff recommendation is pending further review of controlled hunt application data.

Action Requested:

Under the Idaho Administrative Procedure Act, the Commission must deny the petition or direct the Department to move forward with rulemaking.

Suggested Motions:

I move the Commission deny the petition [include reasons].

OR

I move the Commission to direct the Department to proceed with negotiated rulemaking in conjunction with other negotiated rulemaking in 2021.