

Meeting Date: November 16, 2021

Agenda Item No.

Agenda Item: Petition for Rulemaking, Children with Special Needs Big Game Tag

Bureau Chief Approval: ES

Prepared by: Jim Fredericks

Background:

The Commission and the Department received the attached petition on October 29, 2021 for rulemaking to modify the rule related to nonresident limitations in the Children with Special Needs Big Game Tag program (13.01.04.900.07) established under Idaho Code section 36-408(6).

Each year, up to five big game tags can be made available for children with life threatening medical conditions. These tags are valid in any open hunt, controlled or general, as provided by Commission proclamation, with the exception that they may not be used in any Controlled Hunt with less than five controlled hunt tags.

Current rule states *“Not more than one (1) special needs tag will be issued to a nonresident, unless there are insufficient applications for resident applicants.”*

The current rule went through negotiated rulemaking in 2017. The Commission added this nonresident limitation language as a result of public input that residents should receive preference for Children with Special Needs Big Game Tag tag eligibility.

The petition seeks to modify the limitation on nonresidents by either 1) using a full lottery drawing despite the child's residency or 2) allocating 1 tag to a resident and then the other remaining 4 tags to a lottery drawing.

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:

This petition was received through Department web-based e-mail address.

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 the provision regarding nonresident limitations. Staff have no recommendation on the petition.

Sample Motion #1:

I move the Department initiate negotiated rulemaking to consider the nonresident limitations in the Children with Special Needs Big Game Tag program.

Sample Motion #2:

I move to deny the petitioners' request for rulemaking to adjust the nonresident limitations in the Children with Special Needs Big Game Tag program.

FORMAL PETITION

FROM: Blaine R Bergin II
Hunt of a Lifetime Ambassador for: Idaho, Utah, Alaska, Oregon, Washington
Hunt of a Lifetime President of the Board of Directors
721 W Taylor ave
Meridian Idaho 83642
208-880-5851

TO: IDFG Commission "Rule Making"
600 S Walnut St PO BOX 25
Boise Idaho 83707

Dear Idaho Department of Fish and Game Commission,

I am writing this letter as a formal petition for rule making in regards to the Idaho statute 900-08 (attached for reference)

***900.CHILDREN WITH SPECIAL NEEDS BIG GAME TAG.
08. Nonresident Tag Limitation. Not more than one (1) special needs tag will be issued to a nonresident unless there are insufficient applications for resident applicants. (6-30-19)T***

As a volunteer for Hunt of a Lifetime (HOAL) I have had many opportunities to be a part of such an amazing program. Ever since HOAL was involved from the beginning of this program it was a "lottery system" for the 5 tags. Then we had a volunteer removed from HOAL and started his own program. Thus petition the ruling adding "(1) special needs tag will be issued to a nonresident unless there are insufficient applications for resident applicants." This was to ensure that their organization would acquire a tag and we were accepting of that. Since then other volunteers have been removed or moved on to other organizations and have used this ruling to their advantage.

I would like to petition to change statute 900-08 to either 1- go back to a full lottery drawing despite the child's residency or 2- allocate (1) tag to a resident and then the other remaining (4) tags to be a lottery drawing. In the previous years since HOAL and this generous opportunity have been together we have full-filled over 40 children (from the state of Idaho's) dream hunt in other states or parts of the world. We have also been fortunate enough to send over 70 children from other states (non-residents) to hunt in the great state of Idaho. HOAL has a goal to ensure that every kid gets a "Hunt of a Lifetime" that they normally would not be able to acquire on their own. This includes everything from traveling to parts they have never seen before, down to the harvest of

an animal most of them dream about in their hospital beds. Plus all the generosity that our community has to offer and has offered in the past is what makes all this a "Hunt of a lifetime".

Thank you for your time in reviewing and deciding on this formal petition to change the wording on statute 900-08.

Sincerely

A handwritten signature in black ink, appearing to read "Blaine R Bergin II", written in a cursive style.

Blaine R Bergin II
HOAL Board of directors President
HOAL Ambassador: Idaho, Utah, Alaska, Oregon, Washington
HOAL Volunteer