

Meeting Date: July 26, 2018

Agenda Item No. 5.P.

Agenda Item: Allow Sr., Disabled, NR DAV to Participate in Youth Hunt 2nd Draw (Rulemaking)

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: Currently, Fish and Game Commission rules allow hunters sixty-five (65) years of age or older or hunters with a senior combination hunting license or a disabled combination hunting license or a nonresident disabled American Veteran hunting license to apply for first-come, first served leftover youth only controlled hunt permits.

The Commission received input to consider allowing these hunters to also be eligible to participate in any second application period for youth-only controlled hunt tags for big game. The Commission requested the Department to collect public input about this proposal.

The proposed rule would revise IDAPA 13.01.08.260.03.n as follows:

n. The Commission establishes youth only controlled hunts by proclamation. Only hunters ten (10) to seventeen (17) years of age with a valid license may apply for youth only controlled hunts, EXCEPT hunters sixty-five (65) years of age or older or hunters with a senior combination hunting license or a disabled combination hunting license or a nonresident disabled American Veteran hunting license may apply during a second application period for youth-only controlled hunts or for first-come, first-served leftover youth only controlled hunt ~~permits~~ tags. (3-25-16)(_____)

Statutory Authority and/or Policy issues: The Commission has statutory authority for rulemaking regarding this subject. The proposed rule must be upheld by the 2019 Legislature to become effective.

Public Involvement Process: A Notice of Intent for negotiated rulemaking was published in the *Idaho Administrative Bulletin* and public input was collected through the department's website. There were no comments received via letter or direct email.

The proposal garnered 95 comments of which 99% were from Idahoans. Some comments indicated a lack of understanding that a second draw usually occurs because there were more tags than applicants in the first draw (hunt was undersubscribed). However, staff has not researched how many youth might apply for the controlled hunt draw for "non-youth hunts", are not unsuccessful in drawing a tag, and subsequently participate in the second draw for youth hunts. Staff cannot predict how many "new" participants would be eligible for any youth hunt second draw as a result of the proposed rule.

Of commenters with an opinion (does not include the 1 "neutral"), 61 (65%) supported the rule proposal, and 33 (35%) did not.

The majority of commenters offered no comment in regard to rule suggestions to further negotiate. Comments within the scope of rulemaking were fairly diametrically opposed as follows, which did not suggest further negotiation of the rule would lead to consensus, and thus any further negotiated rulemaking is infeasible:

In support of the proposed rule: *This is an excellent opportunity to provide the elderly and disabled with more to access hunting opportunities.*

Not in support of the proposed rule: *These are opportunities for getting youth into hunting. They are the future of wildlife conservation. We should not be taking more opportunities away from that cause.*

Staff Recommendation: Should the Commission desire to adopt the rule, staff recommends: Motion to declare negotiated rulemaking infeasible and adopt the proposed rule to allow hunters 65 years of age or older or hunters with a senior combination hunting license or a disabled combination hunting license or a nonresident disabled American Veteran hunting license to be eligible to participate in any second application period for youth-only controlled hunt tags for big game. All other existing control hunt eligibility rules would still apply.

Justification: Rulemaking requested by the Commission and supported by public comments.