


## MEMORANDUM

**DATE:** November 20, 2018

**TO:** Mayor White & City Council

**VIA:** Mercy Rushing, City Administrator

**FROM:** Cindy Karch, City Secretary 

**SUBJECT:** Discuss and consider action to close the Nature Preserve for the annual Texas Youth Hunting Program Dept with Texas Parks and Wildlife Youth Hunt on January 18, 19 & 20

**Council Meeting Agenda Item for November 26, 2018**

### **Background Information:**

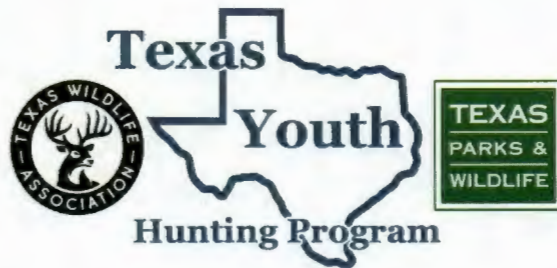
This request is from the Texas Parks and Wildlife Texas Youth Hunting Program. They are requesting to close the park beginning noon, Friday January 18<sup>th</sup> through 1:00 P.M. Sunday, January 20<sup>th</sup>. This event is no cost to the city, however the city will provide RV sites at no charge to the TX. Youth Hunting staff members and a City Staff member (either Nicky or Jeff) to assist the hunters. Please review the attached letter and liability insurance policy from the Texas Youth Association. Also attached is the Youth Hunt Agreement between the City of Mineola and the Texas Youth Association if we decide to do the Hunt this January 2019.

This hunt is open to all Texas youth while preference will be given to youth from Wood County who apply.

### **Recommendation:**

It is recommended that the council approve the closure.

### **Final Disposition:**



3660 Thousand Oaks Suite 126, San Antonio, Texas 78247  
Toll Free: (800) 460-5494 ~Fax (210) 524-9032  
[WWW.TYHP.ORG](http://WWW.TYHP.ORG)

Dear Landowner,

Thank you for your interest in supporting the Texas Wildlife Association's Texas Youth Hunting Program (TYHP). We believe we have one of the safest and best hunting programs available. We have generations of young Texans who are missing out on hunting due to the difficulty in locating a place where they can learn how to hunt. Our goal is to provide every youth in the state who wants to go hunting a safe and educational hunt. We hope these hunts will foster hunting and provide a solid, memorable experience to draw from when our former members vote on wildlife, hunting, or private landownership legislation. Most of our hunters are average young Texans who need a place to hunt. Generally speaking, after a youth and his/her accompanying adult have participated in the program, they are safer, more educated, and more ethical hunters. Most of the time our participants do not realize that they are being educated; they just think the activities are fun!

For the landowner, we provide up to \$6 million of commercial liability insurance protection as well as other forms of coverage. Our policy is based on the safety incorporated into our program.

As a minimum, the youth must:

- be between 9 - 17 years of age
- have completed Hunter Education
- have a valid hunting license with appropriate tags as necessary
- be accompanied by his or her "own" adult at all times. During the actual hunt, the hunter must be accompanied by an experience hunter (generally the youth's "own" adult, normally a parent, who has satisfied TYHP requirements including a Hunt Guide orientation for your hunt)
- have executed required TYHP liability release which will include the Landowner

We also execute an agreement between yourself and TYHP to provide you with additional security and peace of mind. Since this is your hunt, you make the rules that will be an appendix to the agreement. Feel free to include any rule that does not affect the safety, legality or ethics of the hunt. It is the agreement that initiates the insurance for your hunt.

It is easy to get started; just pick up the phone and give us a call at **1-800-460-5494** or **(210) 930-2177**. A call, an orientation visit to your property and an agreement are about all it takes. (If you desire, this could be your total involvement in the hunt. We must admit that there are major benefits to both yourself and the youths the more you are involved.) At this point, we are ready to plan and conduct the hunt.

You may find the following of interest as you consider a youth hunt:

- You determine the length of the hunt; we prefer to gather late Friday evening and depart around noon Sunday after a thorough cleaning of your facilities
- A typical hunt starts with a safety and hunt orientation, review of game laws, wildlife management and identification, firearms/ammunition inspection, your rules, the history of your property and a Hunt Guide orientation. Hunts include firing ranges to ensure the youths know how to properly handle and effectively use their firearms or archery equipment and some "hands on" hunter education/wildlife activity. Depending on the game, we usually hunt in the mornings and evenings. One evening, we like to have a hunting/wildlife related program around a campfire or fireplace if possible
- The number of participants (youths, adults, and volunteers) is determined in part by the amount of lodging and food preparation facilities (these are not required, but are desired), and the number of safe hunting areas. If necessary, we will camp
- With your concurrence, we try to involve local game wardens and biologists
- We can furnish just about everything for the hunt
- Our hunter education and safety requirements are stringent
- Youths will only handle firearms in the presence of a supervising adult
- Before shooting, both the hunter and guide must agree that it is a proper animal, there is a good possibility of a kill, there is no likelihood of shooting other animals in the vicinity it is legal, and it is ethical. In the unlikely event the wrong animal is harvested the program will assist in recovering restitution costs.
- Youths are required to fully process their game (quartered and in an ice chest)
- Youths are required to perform camp chores and clean-up
- If you have the facilities, time permits, and you concur, the youths may fish (normally using catch and release)
- Vehicle traffic will be kept to a minimum
- Youths will normally hunt from a stationary position (blinds or in the field)
- Firearms will only be loaded at the range or when the youth is in a hunting position (actions will remain open the rest of the time)
- We stress the "two person rule" with all activities
- Many of our hunts are for antlerless game. We take the time to make the best identification possible including passing questionable shots and having all parties agree on the appropriateness of the game before shooting. We want you to be happy
- We hunt just about any legal animal from rabbits, squirrels, game birds, varmints, hogs, deer, exotics, etc. Antlerless and wildlife management hunts are both welcomed and expected. We are there to assist you with your wildlife management plan.
- Alcohol is prohibited and tobacco products are not to be used around the youths (proper disposal is required; we will adhere to your smoking policy)

- We reserve the right to remove any hunting party due to unsafe, unethical, or flagrant behavior
- We reserve the right to cancel or terminate the hunt due to unsafe conditions (generally dangerous weather)
- We will make every effort to ensure your rules are obeyed
- You assume the role in the hunt you desire (from simply donating the hunt with no further involvement to total involvement---we will even train you to be your own Huntmaster)
- If you desire, we will provide you tax documentation reflecting the donation of the hunt
- We will do our best to ensure that all have a great and memorable experience
- We take measures to make the hunt as easy on you as possible
- We need adequate time (generally a minimum of six weeks) to plan, schedule, and coordinate your hunt
- We will clean up before departure; again we want you to be pleased

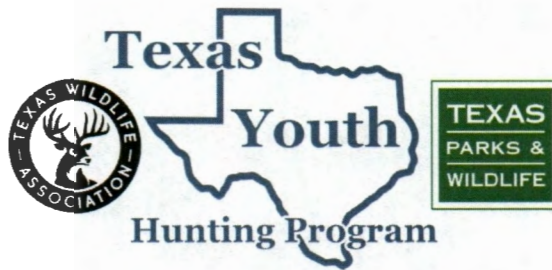
This should give you a good idea as to what to expect from a TYHP Hunt. If you have questions or are ready to schedule a hunt give us a call. For this program to be successful, we must have Landowners, Volunteers, and Youth Hunters. In compliance with our insurance policy, a trained and certified Huntmaster will be present to supervise your youth hunt.

We are looking forward to working with you. Thank you for your support and helping Texas retain its hunting heritage.

Sincerely,

*Christopher R. Mitchell*

COL(R) Christopher R, Mitchell  
Director  
Texas Youth Hunting Program



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## TYHP Coverage for Landowners:

### 1. GENERAL LIABILITY

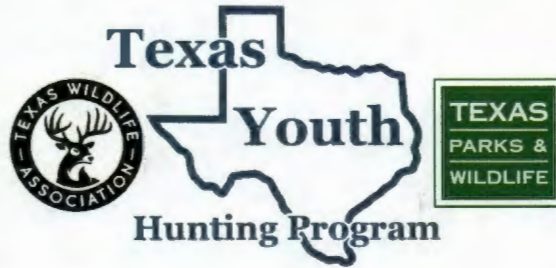
Limits: \$1,000,000 each occurrence  
\$1,000,000 personal injury  
\$6,000,000 general aggregate (other than products-completed operations)  
\$6,000,000 products/completed operations aggregate limit  
\$100,000 fire damage  
\$5,000 medical expense

### **INCLUDES THE TEXAS YOUTH HUNTING PROGRAM.**

2. Landowner completes Youth Hunt Agreement which will trigger insurance indemnification for landowner arising out of acts we are held liable.
3. TYHP should notify Warren Blesh of Porter Insurance of upcoming youth hunts if they want an additional insurance clause and a certificate of insurance. Otherwise, there is no requirement! For a certificate of insurance we need:
  - a) Legal name of ranch ownership
  - b) Mailing address of ranch and contact name if different from legal name
  - c) Contact telephone and email if possible

Warren Blesh  
Porter Insurance  
800.695.6551  
[warren@porterins.com](mailto:warren@porterins.com)

*MZ*



# Landowner Prospectus

Let us help you with your  
wildlife management!



3660 Thousand Oaks Suite 126, San Antonio, Texas 78247  
Toll Free: (800) 460-5494 ~Fax (210) 524-9032  
[WWW.TYHP.ORG](http://WWW.TYHP.ORG)

STATE OF TEXAS

COUNTY OF

### **Youth Hunt Agreement**

This agreement is made and entered into by and between CITY OF MINEOLA  
("Landowner"), and the Texas Youth Hunting Program — a non-profit program ("Program").

WHEREAS Landowner and Program have mutual goals of introducing youngsters to the outdoors, furthering the objectives of ethical hunter education by providing affordable, hands-on experiences, and providing families the opportunities and privileges associated with fair chase hunting.

NOW, THEREFORE, in consideration of the performance of the following conditions, Landowner hereby grants to Program the right to use the premises to conduct youth outdoor recreation programs, including sponsorship of supervised hunting. This grant is subject to the following conditions, which are expressly agreed to by Program and Landowner.

1. Landowner agrees to provide a Program-sponsored activity described in the TYHP Youth Hunt Announcement which will be completed by the TYHP Huntmaster based on Landowner guidance and instructions.
2. Landowner will allow representatives of the Program to enter onto the property to plan improve and otherwise make provisions for use under the terms of this Agreement, as long as Landowner is notified and gives consent.

3. It is expressly understood by Landowner and the Program that the activities described in youth hunt announcement are bound by the Texas Parks and Wildlife laws, and that violations of these laws must be brought to the immediate attention of Landowner and the Program for review and action.
4. The Program will make no alterations to buildings nor construct any improvements without first having obtained the consent of the Landowner. The Program will not carry away from the premises any wood, plants, rocks, or other material. The program will promptly report to Landowner any unauthorized use of the premises.
5. The Program agrees to indemnify and hold Landowner, its agents, employees, and representatives harmless against any claims of any character of all persons whomsoever which result directly or indirectly from the activities described in the youth hunt announcement. All participants involved in Program activities must sign a waiver and agree to indemnify and hold The Program and Landowner, their agents, employees, and representatives harmless against any claims of any character of all persons whomsoever which result directly or indirectly from Program activities..
6. Landowner, and anyone authorized by Landowner, may enter and use the premises at any time for any purpose. Landowner agrees not to conflict or interfere with the Program, and the Program agrees that its activities will not interfere with Landowner's use of the premises. Landowner agrees to notify the Program in advance of any other hunting or other activities taking place on the premises that may present a danger to human life or health, or that may affect or interfere with the Program's activities.
7. This Agreement, as outlined in the youth hunt announcement, constitutes the only agreement between Landowner and the Program, and supersedes any prior understandings or agreements. No amendment of this Agreement will be binding unless it is in writing and signed by the Landowner and the Program. Either party may terminate this Agreement at any time by written notice delivered to the other at the address set out below.



8. Landowners, to the best of their knowledge, will assure youth only hunt animals that are free of any medications.
9. The landowner understands the program will educate participants to the game allowed to be taken, but mistakes may occur. The earlier in the year hunts are scheduled will assist in eliminating misidentification of immature buck deer.

In witness hereof, the undersigned Landowner, and the Program, through its representative, execute this agreement on the date of the last signature.

<p>LANDOWNER  <u>CITY OF MINEOLA</u>  <u>MERCY RUSHING - City Mgr</u>          (Printed name)</p> <p><u>Mercy Rushing</u>          (Signature)</p> <p><u>300 GREENVILLE HWY</u>  <u>P.O. BOX 179</u>          (Address)</p> <p><u>MINEOLA, TX. 75773</u>          (City, State, Zip)</p> <p><u>NOVEMBER 9, 2018</u>          (Date)</p> <p><u>903-780-1942 - cell - Nickey Minyard</u>          (Phone number at hunting area or other means of contact)</p> <p><u>MINEOLA NATURE PRESERVE</u>          (911 address)</p>	<p>TEXAS YOUTH HUNTING PROGRAM</p> <p>_____          (Printed name of representative)</p> <p>_____          (Signature)</p> <p>_____          (Address)</p> <p>_____          (City, State, Zip)</p> <p>_____          (Date)</p> <p><u>OUR PRESERVE TRAIL BOSS</u></p> <p><u>1860 CR 2724 - MINEOLA TX. 75773</u></p>
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Mercy Rushing cell Phone  
City MANAGER 903-245-8505

Public Works/Parks Director  
William Crump 903-850-2860