IDAHO FISH AND GAME GOLDSHEET

March 2026 Commission Meeting ***Agenda Item No.:*** *5C*
Agenda Item: *Petition for Rulemaking: Overturn Regulatory Restrictions Regarding Certain Controlled Hunt Applications, Tag Exchange, and Unused Tags* ***Supervisor Approval:*** *JF*
(Action)
Presented by: *Amber Worthington*
Position/Title: *Deputy Director of Programs and Policy*

Background:
The Department received the included petition for rulemaking on August 15, 2026 to "…Overturn Regulatory Restrictions Barring General Tag Holders from Second Controlled Hunt Applications, Enforcing a July 31 General Tag Exchange Ban, and Imposing Complete Financial Forfeiture on Unused Tags Post-August 1."

The petitioners ask the Commission to (*verbatim*):

1. Immediately Rescind the restrictions prohibiting general tag holders from applying for and participating in the second controlled hunt period.
2. Abolish the July 31 General Tag Exchange Ban, restoring reasonable in-season flexibility.
3. Reform the Refund and Forfeiture Schedule to eliminate the August-to-December 0% refund cliff.
4. Engage stakeholder groups in open public discourse prior to enacting rules that restrict traditional hunting flexibility.

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 petition.

Public Involvement Process:
Department staff received this petition as a written letter.

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 recommend denying the petition. These rules were thoroughly vetted by staff, the public and the Commission in 2024 and 2025, with adoption by the Commission in November 2025 and adoption by the Legislature in the Session of 2026. There are no restrictions around general tag holders participating in the second controlled hunt period.

The July 31st deadline for tag exchange is in place to ensure a tag isn't first hunted on prior to exchange. The refund period was modified for the same reason – prior to the new rule change, a hunter could not get a refund after August 31 and now, a hunter cannot get a refund after July 31. Lastly, to the request for open public discourse prior to enacting the rules, the rules were in review for two years with 11 public engagement opportunities and multiple notices of opportunities. Per the Idaho Administrative Procedures Act, the agency is always required to engage the public.

Sample Motion #1:
I move the Department initiate negotiated rulemaking to consider overturning the regulatory restrictions around second controlled hunt period and tag exchanges and refunds.

Sample Motion #2:
I move to deny the petitioners' request for rulemaking that considers overturning the regulatory restrictions around second controlled hunt period and tag exchanges and refunds.

FORMAL PETITION AND COMPLAINT

BEFORE THE FISH AND GAME COMMISSION OF THE STATE OF IDAHO

IN THE MATTER OF: A Formal Protest and Legal Petition to Overturn Regulatory Restrictions Barring General Tag Holders from Second Controlled Hunt Applications, Enforcing a July 31 General Tag Exchange Ban, and Imposing Complete Financial Forfeiture on Unused Tags Post-August 1.

I. STATEMENT OF INTEREST AND STANDING

The undersigned responsible sportsmen, conservation groups, citizen stakeholders, and advocates of public wildlife rights hereby submit this Amended Formal Complaint and Petition for Regulatory Relief to the Idaho Department of Fish and Game (IDFG) and the Idaho Fish and Game Commission. Petitioners challenge the administrative restrictions barring citizens who have purchased a deer or elk tag from applying for the second controlled hunt period, prohibiting general tag exchanges after July 31, and enforcing a confiscatory 0% refund policy for tags left un-hunted due to routine schedule shifts occurring from August onward.

II. STATEMENT OF THE GRIEVANCE

IDFG has enforced an interlocking set of restrictive administrative rules:

- Categorically prohibiting citizens holding a general or initial tag from applying for the second controlled hunt period.
- Enforcing a hard July 31 cutoff deadline, after which no general season deer or elk tag exchanges are permitted.
- Imposing an aggressive sliding-scale cutoff that yields a 0% refund for tags left un-hunted due to ordinary life and schedule changes post-August 1.

These rules penalize proactive hunters who fund conservation early. By denying flexibility when personal, professional, or environmental conditions shift mid-year, the Department treats tag investments as punitive fees rather than public trust privileges, damaging household food security and causing direct financial injury.

III. LEGAL AND ECONOMIC ARGUMENTS

Arbitrary Administrative Action: Wildlife management regulations must be reasonably related to biological sustainability. Historical data shows that secondary and late-season opportunities account for negligible, controlled harvests. Punitive calendar cutoffs (the July 31 exchange ban and the August-December zero-refund wall) bear no rational nexus to herd management, serving merely as administrative convenience at the expense of license-holders.

Economic Injury: Idaho's hunting economy generates over $2.1 billion annually and nearly $155 million in state and local tax revenue. Arbitrarily locking out flexible participation and trapping hunter capital through absolute forfeiture rules directly harms rural small businesses, outfitters, and local tax bases that depend on dynamic hunter mobility.

IV. PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that the Idaho Fish and Game Commission and IDFG take the following corrective actions:

1. Immediately Rescind the restrictions prohibiting general tag holders from applying for and participating in the second controlled hunt period.
2. Abolish the July 31 General Tag Exchange Ban, restoring reasonable in-season flexibility.
3. Reform the Refund and Forfeiture Schedule to eliminate the August-to-December 0% refund cliff.
4. Engage stakeholder groups in open public discourse prior to enacting rules that restrict traditional hunting flexibility.

RESPECTFULLY SUBMITTED this 15th day of August, 2026.

(Submitted by Responsible Idaho Sportsmen, Citizen Stakeholders, and Public Trust Advocates)

