

Meeting Date: July 23, 2020

Agenda Item No. 5.K.

Agenda Item: Rain Check Request

Bureau Chief Approval: PK

Prepared by: Paul Kline, Deputy Director

Background: The Commission considers requests for refunds or rain checks for once-in-a-lifetime (trophy) species, which include grizzly bear. The Commission has not delegated authority for making such determinations to the Director.

Mr. Wilde was drawn for the single grizzly bear controlled hunt authorized by the Commission in 2018 (Hunt 8601, Controlled Hunt Area 61-1, 9/1/2018 – 11/15/2018 season dates). This hunt was canceled as a result of a federal court order in litigation over the Endangered Species Act status of the Greater Yellowstone Ecosystem Grizzly Bear population.

Mr. Wilde requested a rain check for his grizzly bear controlled hunt tag from the Commission on October 2, 2018. On November 14, 2018 the Commission voted to approve Mr. Wilde's request for a period of up two years, should hunting seasons occur in 2019 or 2020. Consistent with state law (Idaho Code 67-1023) for the timing of settlement of claims against the state, the Commission determined it would issue Mr. Wilde a refund for his 2018 tag if no hunt were held in 2019 or 2020.

On March 5, 2020, Mr. Wilde asked the Commission to extend his rain check for an additional two-year period (2021 & 2022 hunting seasons).

Statutory Authority and/or Policy issues:

Commission rules do not address refunds or rainchecks for this tag situation. Other known applications of rainchecks decisions allow participation in the hunting activity in the following calendar year (e.g., IDAPA 13.01.602 provides for rain checks for hunting the next calendar year). This situation involves a circumstance where there is no hunt opportunity in which to use the raincheck.

It is uncertain when grizzly bears in Idaho may be delisted and the number and location of hunt opportunities the Commission may authorize when that occurs. Under the current framework, the States of Idaho, Montana, and Wyoming allocate discretionary mortality (including hunting) among the three states based on a formula. Should the situation recur where Idaho's inaugural hunting opportunity includes only one authorized grizzly bear controlled hunt tag, other individuals would not have an opportunity to apply for that hunt if this tagholder has a raincheck for that opportunity. It is uncertain how potential applicants would view the fairness of an extended raincheck for a future hunting opportunity.

Idaho law (Idaho Code 67-1023) provides for a two-year period for resolving individual monetary claims against the state or debts owed to individuals by the State.

Public Involvement Process:

Public involvement is through the opportunity to comment on Commission meeting agenda items.

Staff Recommendation: Staff does not have a recommendation on this matter.

Sample Motion for granting request: *I move the Commission rescind its prior decision in this matter, and instead approve Mr. Wilde's request to extend his rain check for his 2018 controlled hunt tag for Hunt 8601 to allow its use in the event Idaho authorizes this hunt in calendar year 2021 or 2022.*

Sample Motion for denying request: *I move the Commission deny Mr. Wilde's request for extension of his raincheck, and that his fees be refunded if the Commission does not authorize this hunt in calendar year 2020.*