

Meeting Date: July 25, 2019

Agenda Item No. 5G

Agenda Item: Waiting Period for Controlled Hunt Applicants to Purchase General Season Big Game Tags in Capped zones/Units

Bureau Chief Approval: ES

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Background:

High demand in some general season hunts with limited tags has been a significant source of tag buyer congestion at Department offices, vendors and on-line sales, with potential for increased congestion if demand continues to increase in these and other general hunts.

Establishing delayed eligibility (5 days as an example) for controlled hunt applicants to buy high-demand general hunts with tag limits (capped zones) is one method for reducing buyer congestion. Individuals who did not apply for controlled hunts would have an opportunity to buy capped zone tags during this period.

At the Commission's direction, the Department initiated negotiated rulemaking to consider rules for delaying eligibility for controlled hunt applicants.

Statutory Authority and/or Policy Issues:

Idaho Code 36-104 grants authority to the Commission to set seasons and promulgate IDAPA rules. Idaho Code 67-52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing IDAPA rules.

Policy issues include: (1) general fairness considerations for high-demand items, (2) rule simplicity in license/tag issuance requirements to promote up-front buyer and customer service understanding of purchase options, and (3) tailoring solutions to limit impacts to buyer choices.





Public Involvement Process:

A notice of Intent to promulgate rules (negotiated rulemaking) was published in the Administrative Bulletin on June 5, 2019, with a 21-day public comment period. The Department's website provided an avenue for submitting comment. One hundred and sixty (160) public comments were received and 153 of those were from Idaho residents. Of the individuals who commented, 69 (43%) supported a delayed eligibility rule, 85 (53%) did not support the rule, and 6 (4%) were neutral.

A second question asked if buyer congestion and rapid sell out of high demand capped zone tags reduced the respondent's interest in hunting. Of the individuals who commented, 76 (47%) indicated it did not reduce their interest, 63 (39%) said it did reduce their interest in hunting and 21 (13%) were neutral.





Summary of Responses to Survey Question #1:

Do you support allowing hunters who do not apply for controlled hunts to have a limited time advantage (such as 5 days) in purchasing general tags in capped zones (with hunters who applied for controlled hunts not able to buy general tags during this time)?

Yes		69	43%
No		85	53%
Neutral		6	4%
		160	

Summary of Responses to Survey Question #2:

Does buyer congestion for and rapid sell-out of high demand capped zone hunts reduce your interest in hunting?

Yes		63	39%
No		76	48%
Neutral		21	13%
		160	

No commenter indicated an interest in negotiated rulemaking and comments did not suggest negotiated rulemaking would be constructive in significantly narrowing issues or achieving consensus.

Staff Recommendation:

Comments received did not represent a strong referendum of approval or disapproval of the proposed rule change. Managing buyer congestion for rapid sell-out, high demand capped zone hunts is expected to remain an issue of concern for hunters. If the Commission chooses to move forward with rulemaking to delay eligibility for controlled hunt applicants to buy tags in limited general hunts, staff recommend the Commission propose changes that consider rule simplicity for public and vendor understanding, and that limit impacts to buyer choice (e.g., apply the delay in eligibility only to controlled hunt applicants for the same species).

Proposed rule language:

13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

252. DELAY IN ELIGIBILITY FOR BUYING LIMITED GENERAL HUNT TAG.

When the Commission limits the number of tags available for a general big game hunt, the Commission may establish a period of no more than five (5) days at the beginning of a tag sale period, during which any applicant for a controlled hunt in the same calendar year for the same species is not eligible to buy a tag for that limited hunt. (X-XX-XX)

Sample Motion:

Move to adopt proposed rule language to delay eligibility for limited general hunts as presented.