

Meeting Date: July 26, 2018

Agenda Item No. 5.Q.

Agenda Item: Terminate Mail Controlled Hunt Applications (Rulemaking)

Bureau Chief Approval: _____

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Background: Currently, Fish and Game Commission rules allow submitting controlled hunt applications via mail. Staff has previously briefed the Commission that: 1) only 3% of controlled hunt applications in 2017 arrived via mail (of over 165,000 applications), and 2) terminating mail applications would cut 5 to 7 days from the controlled hunt timeline and would free up customer service representatives who have to hand enter applications and reconcile incorrect payments to address other important service functions.

The Commission has expressed interest in increasing efficiency and customer service and directed the Department to gather public input about terminating mail as a controlled hunt application venue.

The Department requested temporary and proposed rulemaking authority for the Commission so that if the rule was adopted, it would be effective with initiation of the 2019 license sales on December 1, 2018 so there would be sufficient time to inform hunters applying for moose, bighorn sheep, and mountain goat controlled hunts in 2019 about the change (application period begins April 1, 2019). The Governor has approved temporary rulemaking authority because the rule proposal confers a benefit.

The temporary and proposed rule would revise IDAPA 13.01.08.260.04 as follows:

04. Applications. Individual applications or group applications for controlled hunts may be submitted electronically through the automated licensing system at any vendor location, including Idaho Department of Fish and Game regional offices or the headquarters office, through the Internet, or over the telephone, ~~or by mail to the Headquarters Office of the Idaho Department of Fish and Game or any Idaho Fish and Game Regional Office and shall be submitted with a postmarked~~ not later than the annual dates shown below. Any individual application or group application which is unreadable, has incomplete or incorrect hunt or license numbers, or which lacks the required information or fee will be declared void and will not be entered in the drawing. All applications will be considered final; EXCEPT: applicants who would like to change their submitted controlled hunt application may request the original application be canceled to resubmit a new controlled hunt application during the applicable application period. The new application is subject to the appropriate application fees. (4-7-11)(12/1/18)T

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

Public Involvement Process:

Of commenters with an opinion (does not include the 6 “neutral”), 142 (82%) supported the rule proposal, 31 (18%) did not. There were 179 total commenters, of which 98% were from Idaho.

There were two major themes relative to comments within in support of the temporary/proposed rule; these deal with streamlining the timeframe and making the process more efficient:

I feel Idaho would benefit from a no paper process, which alleviate the waiting process so hunters could make plans as early as possible.

Mailing in the controlled hunts is almost obsolete, it also creates other challenges. First it costs the Fish and Game more money due to having to pay someone to enter them in the system. Second it slows down the controlled hunt result process waiting for them to all be received. Third most of the states around us have already gone to exclusively online or at the vendor their is no reason with as rich and abundant of wildlife that we have in Idaho that we should be taking a back seat to our neighbors.

However, there was a financial consideration expressed, even by those who supported the rule proposal:

Only if you get rid of the 3% credit card convenience fee. Other states that offer online only don't charge a convenience fee when applying.

Staff notes that a credit card convenience fee is an allowable charge pursuant to our online license vendor contract; modification of the contract was not within the scope of rulemaking. Also not within the scope of rulemaking is whether or not brick and mortar vendors may charge a credit card convenience fee.

Commenters who did not support the rule recognized that terminating applications via mail could be a barrier to those who may lack online or physical access to a license vendor:

The delay of processing and waiting for the draw results do not outweigh taking away the ability to submit controlled hunt applications via US Mail. Many older folks are not tech savy to efficiently utilize the online system nor do they want to create an account that holds personal information that could easily be hacked and used in mischievous ways. Also with rural communities it is not always possible to get to a vendor to submit an application. Submitting applications via US Mail is a useful tool and should be retained.

57,888 Idahoans submitted controlled hunt applications for deer alone in 2017. 3% is still 1,736 individuals who are local, tax-paying-Idahoan-hunters. Of those 1,736 individuals, how many don't have access to the internet or may be unable to go to local vendors due to physical limitations. If the total resident applications are around 160,000

for all species, 4,800 individuals may not be able to apply. Don't inhibit these hunters from having the same opportunities as others.

Staff Recommendation: Commission motion to adopt a temporary and proposed rule, as proposed by staff, to disallow mail to the Department of Fish and Game as a submission venue for controlled hunt applications.

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