

**Meeting Date:** January 24, 2019

**Agenda Item No.** 7. a)

**Agenda Item:** Prohibition on certain persons purchasing a capped zone tag on the first day of sale

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Sharon W. Kiefer

**Background:** Certain hunting zones are “capped” with a quota of tags available for residents and nonresidents. Currently, elk zones that are capped (A tag, B tag or both) are Diamond Creek, Bear River, Sawtooth, Weiser River, Salmon, Middle Fork, Selway, Elk City, Dworshak, and Lolo. For hunts in 2018, tags for all capped zones except the Sawtooth zone went on sale for residents on 7/10/18 and for nonresidents on 12/1/17. Tags for the Sawtooth zone went on sale for residents on 7/12/18 and for nonresidents on 12/1/2017.

Capped zones differ from controlled hunts because sales occur on a first come-first served basis, rather than a random draw. Certain capped zones have become increasingly popular with tags in some zones selling out very quickly; the Sawtooth Zone is an extreme example with tags selling out in minutes. Under Commission guidance, the Department has implemented sales measures for the Sawtooth Zone to provide more equitable opportunity for persons to purchase a tag such as splitting the tag quota between vendor only and internet only sales venues. However, demand still substantially exceeds available tags.

Analysis of those purchasing a Sawtooth capped zone tag revealed that 60% of the individuals had also applied for a controlled hunt. As a way to further balance the supply/demand for oversubscribed capped zone hunt tags, staff suggested allowing individuals who apply for a controlled hunt to be restricted from purchasing a capped zone tag until some period after sales have initiated, i.e. someone who applied for a controlled hunt could not be “first served” for a capped zone tag. The Commission requested briefing about a more detailed proposal.

Staff is developing a draft rule for negotiated rulemaking and will provide a draft to the Commission for discussion. The proposed rulemaking schedule would be publication of the Notice of Intent for Negotiated Rulemaking in the April Administrative Bulletin for public comment April 3-24 via the Department website and follow up with the Commission at the May meeting.

**Statutory Authority and/or Policy issues:** Commission has rulemaking authority.

**Public Involvement Process:** Public involvement would occur through the negotiated rulemaking process and Commission public input opportunity.

**Staff Recommendation:** Proceed with negotiated rulemaking.

**Justification:** Commission has expressed interest in rulemaking.