

The Idaho Department of Fish and Game considers the following document to be an agency guidance document for purposes of Idaho Executive Order 2020-002. The guidance document is not new law; it is the Department's interpretation or implementation of existing law.

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IDAHO FISH AND GAME COMMISSION

DELEGATION OF AUTHORITY

I. Purpose

Each year individuals request refunds, rain checks and other customer service accommodations regarding various licenses, tags, and permits issued under authority of the Idaho Fish and Game Commission (Commission). Because of the frequency and fact-specific nature of these requests and the limited meeting time available to the Commission, the Commission has determined in the interests of efficiency and customer service to delegate authority for responding to these requests to staff of the Idaho Department of Fish and Game (Department).

II. Delegation

The Commission hereby delegates authority to the Director and Deputy Director(s) of the Department for responding to individual requests for rain checks, refunds, and other customer service accommodations for licenses, tags, and permits, subject to final and temporary rules as adopted by the Commission pursuant to the Idaho Administrative Procedure Act. This delegation excludes the following situations, unless they are related to widespread environmental incidents, such as fire, where opportunity or access is severely limited, or illness, injury, or death which precludes any hunting related to a controlled hunt tag.

Any request for rainchecks or refunds for antlered Moose, Bighorn Sheep, or Mountain Goat tags, including the affiliated license.

Any request for rainchecks or refunds for controlled hunt tags awarded via auction or lottery, including the Special Controlled Hunt Program (Superhunt).

Any request for rainchecks or refunds for controlled hunt tags for big game hunts that have drawing odds less than 5% calculated by the total number of tags divided by the total number of first choice applicants (residents and nonresidents).

Should a circumstance within the scope of this delegation, unless related to widespread environmental incidents, directly involve more than twenty 20 individuals, the Director will notify the individual members of the Commission at least three business days in advance of a decision. This notification provides the Commission with the opportunity to convene a meeting in compliance with the Open Meeting Law to discuss the matter, provide additional guidance, or take action at the Commission's discretion.

Any decision of the Director and Deputy Director(s) regarding an individual's request for a rain check, refund, or other customer service accommodation regarding licenses, tags, and permits is a final agency action for purposes of the Idaho Administrative Procedure Act.

The Director shall report at the next regular meeting of the Commission regarding requests for rain checks and refunds granted and denied.

III. Re-Delegation

The Director may re-delegate authority to respond to requests for refunds or rain checks related to clerical errors or to requests for refunds or rain checks as specifically authorized by final or temporary rule adopted by the Commission.

IV. Authority

Pursuant to Idaho Code Section 36-408, the Commission has authority to prescribe the number and kind of wildlife that may be taken under authority of the several types of tags and permits provided for in Title 36, and the manner in which said tags and permits shall be used and validated.

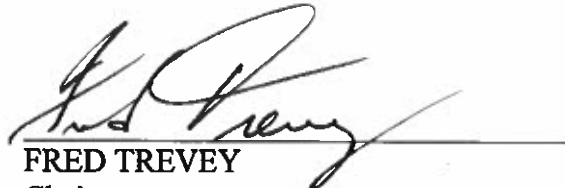
The consideration of requests for refunds, rain checks, and other customer service accommodations regarding license, tags and permits, is within the Commission's statutory discretionary authority.

The Commission has adopted rules to formalize the parameters it wishes to apply to refunds and rain checks for individuals affected by military deployment (IDAPA 13.01.04.602) and to apply for refunds to nonresidents (IDAPA 13.01.04.600.03). The Commission has not adopted final rules to apply to its discretionary decisions for considering refunds to residents, rain checks for reasons other than military deployment, and other customer service accommodations regarding licenses, permits, and tags.

The Commission has previously adopted, and may adopt in the future, temporary rules to address narrow, time-limited circumstances for refund or rain check eligibility (e.g., wolf tag refunds when wolves were relisted after tag sales began, refunds/rain checks where wildfire effects on access or opportunities were widespread).

V. Effective Date

By action of the Commission, this delegation is effective on January 22, 2015 and replaces the Commission's delegation of authority for refunds and rainchecks, dated August 19, 2013.



FRED TREVEY
Chairman