

Meeting Date: July 27, 2023

Agenda Item No. 5F

Agenda Item: Outfitter Set Aside, Outfitter Initial Tag Use Numbers, and 2024 Non-resident General Season Tags

Bureau Chief Approval: SR

Prepared by: Rick Ward, State Wildlife Manager

Background:

The number of general season nonresident deer and elk tags the Department can issue annually is limited by administrative rule: 12,815 elk tags and 15,500 total deer tags. These statewide nonresident tag quotas do not affect distribution of hunters by zone or unit. As a result, some game management units and elk zones previously had a high percentage of nonresident hunters during the general season (some more than 50% nonresident hunters), whereas other units or zones had a low percentage of nonresidents.

In response to resident hunters' concerns about hunter congestion in some uncapped zones/units, the Commission adopted an administrative rule (effective March 2020). Under this rule, the Commission may limit the number of tags available for nonresident hunters in general-season hunts in a zone or game management unit to no less than 10% of the average number of hunters estimated for that zone or unit during the previous five years. When the Commission limits tags for nonresidents, it may also allocate tags for outfitted hunter use based on verified use history by zone/unit, as provided by rule and subject to a statewide limit on tags set-aside from the statewide nonresident quota for outfitted hunter use.

The Commission first limited nonresident participation in 2021 and 2022 for general hunt regular and white-tailed deer tags by individual game unit and for general hunt elk A and B tags for each previously uncapped elk zone (with resident participation remaining unlimited in these units/zones). For 2021-2022, the Commission generally limited nonresident participation at 15% for tags in elk zones and deer units averaging $\geq 15\%$ nonresidents in the previous 5 years (2015-2019), and limited nonresident participation at 10% for those zones and units averaging $< 15\%$ nonresidents in 2015-2019. In certain backcountry units with relatively low overall hunter participation, the Commission set the nonresident participation for deer tags at its 5-year (2015 – 2019) average.

To set nonresident limits in general-season deer hunts and uncapped elk zones for the 2023 and 2024 seasons, the Commission continued the use of the sliding scale percentages established for the 2021 and 2022 seasons (10%, 15%, or other % for certain backcountry units), applied to the most recent 5-year average (2017-2021) of hunter-number estimates by zone or unit.

Outfitter Tag Allocation

The number of deer tags and elk A/B tags set aside on a statewide basis for sale to persons that have entered into an agreement to use the services of a licensed outfitter are established by Commission proclamation (IDAPA 13.01.04.500 - pending temporary rule adoption under agenda item 5D). Outfitter set-aside tags come out of the total statewide nonresident deer and elk tag quotas (15,500 total deer tags and 12,815 elk tags).

In its prior setting of 2023 and 2024 nonresident limits, the Commission allocated a portion of the limited nonresident tags for outfitter use for the 2023 season, based on the highest

outfitted use in the zone/unit during 2020 and 2021, the two most recent years for which use data were available. The remainder of tags then became available for over-the-counter sale to non-residents beginning December 1, 2022.

This agenda item concerns establishing the 2024 general season deer and elk outfitter set aside, the setting of Initial Tag Use Numbers for outfitter allocation for each general deer unit and uncapped elk A/B zone, and the setting of the 2024 nonresident tag limits for each general deer unit and uncapped elk A/B zone.

Initial Tag Use Number is defined in IDAPA 13.01.04.506 as the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022. The Initial Tag Use Number will form the base outfitter allocation for each general deer unit and uncapped elk A/B zone beginning with the 2024 hunting season and will remain the same for the zone, unit, or hunt area for subsequent consecutive years in which nonresident tag limits apply. In subsequent years, additional tags will be allocated for outfitted hunters in units/zones where the higher tag number from the Two-Year Verified Outfitter Use History exceeds the Initial Tag Use Number for the hunt area, subject to a maximum of fifty percent (50%) of the remaining nonresident tag limit.

Total nonresident limits for each general deer unit and uncapped elk A/B zone were set in August 2022. The number of deer/elk tags allocated by the Commission by unit/zone will be deducted from the corresponding total limit on non-resident participation, and the remaining number will be available for sale as non-allocated (over the counter) 2024 general hunt tags to non-residents beginning December 1, 2023.

Staff propose the 2024 general season elk outfitter set aside be equal to the sum of the capped elk zone outfitter allocated tags and the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022 for each uncapped elk zone.

Staff propose the 2024 general season deer outfitter set aside be equal to the sum of the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022 for each general season deer unit.

Staff propose Initial Tag Use Numbers for each uncapped elk A/B zone based on the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022. Staff propose 2024 nonresident tag numbers as the total nonresident limits set in August 2022 minus Initial Tag Use Numbers for each uncapped elk A/B zone.

Staff propose Initial Tag Use Numbers for each general deer unit based on the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022 for regular deer tags and white-tailed deer tags. Staff propose 2024 nonresident tag numbers as the total nonresident limits set in August 2022 minus Initial Tag Use Numbers for each general deer unit for regular deer tags and white-tailed deer tags.

After the Commission allocates tags for outfitter use by zone or unit, the Idaho Outfitters and Guides Licensing Board designates tags to individual outfitters based on applicable statutes and rules.

Statutory Authority and/or Policy Issues:

Idaho Code 36-408 authorizes the Commission to set limits on numbers of game tags issued, including limits specific to the number of tags issued to nonresidents statewide or by hunt area. It also authorizes the Commission to set aside a maximum of 25% of statewide nonresident tag limits for use by hunters with agreements with licensed outfitters. The Commission is authorized to allocate tags for use by outfitted hunters when it limits tags by unit or zone, based on outfitted hunter tag use history.

IDAPA 13.01.08.255.01 provides:

In general hunts, the Commission may limit by proclamation the number of tags available for nonresident hunters in a zone or big game hunting unit to no less than ten percent (10%) of the average hunter participation estimated for that zone or unit during the previous five (5) year period.

IDAPA 13.01.04.500 (pending temporary rule adoption under agenda item 5D) provides:

The Commission will set by proclamation numbers of nonresident general hunt deer tags and nonresident general hunt elk tags to be set aside and reserved for sale to persons who have entered into an agreement to utilize the services of an outfitter licensed under Chapter 21, Title 36, Idaho Code.

IDAPA 13.01.04.506 provides:

For general hunts first limited for nonresidents while unlimited for residents in 2021 or subsequent years, the Initial Tag Use Number for outfitted hunters is the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022, or the two (2) years immediately preceding the first year the hunt area is limited, whichever period is later. The Initial Tag Use Number will remain the same for the zone, unit, or hunt area for subsequent consecutive years in which nonresident tag limits apply.

Public Involvement Process:

Department staff continue to work closely with IOGA leadership and IOGLB staff on outfitter use data and tag allocation. Public input has been collected in conjunction with prior Commission meetings and during negotiated rulemaking meetings related to nonresident limits and outfitter set-aside tag limits.

Justification:

Commission action is required to set the number of deer tags and elk A/B tags set aside on a statewide basis for sale to persons that have entered into an agreement to use the services of a licensed outfitter (pending temporary rule adoption under agenda item 5D).

Commission action is required to set the number of tags available to non-outfitted nonresident hunters and the number of tags allocated for outfitted hunters in each uncapped elk A and B tag zone and each general season regular deer tag and white-tailed deer tag game management unit for the 2024 hunting season.

Nonresident hunters and outfitters will benefit from Commission action to set these tag numbers for non-outfitted nonresidents and outfitter allocated tags as early as possible prior to tags going on sale for the 2024 season.

Staff Recommendation:

- Outfitter Set Aside – Staff recommends the Commission set aside 2,939 general season elk tags and 1,733 general season deer tags from 2024 statewide nonresident limits for sale to persons that have entered into an agreement to use the services of a licensed outfitter.

Unit- and zone-specific staff recommendations will be presented to the Commission at the meeting in tabular form by tag type, and zone/unit.

- Uncapped Elk Zone A and B tags – Staff recommends the Commission establish the Initial Tag Use Number for use by outfitted clients as the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022. The number of tags available for non-outfitted nonresidents in each uncapped elk zone A or B tag for the 2024 season equals the non-resident limit set for that A/B zone tag by Commission action in August 2022 minus the Initial Tag Use Number.
- Regular Deer Tags – Staff recommends the Commission establish the Initial Tag Use Number for use by outfitted clients as the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022. The number of regular deer tags available for non-outfitted nonresidents in each game management unit for the 2024 season equals the non-resident limit set for that unit by Commission action in August 2022 minus the Initial Tag Use Numbers.
- White-tailed Deer Tags – Staff recommends the Commission establish the Initial Tag Use Number for use by outfitted clients as the higher tag use number of the Two-Year Verified Outfitter Use History for 2021-2022. The number of white-tailed deer tags available for non-outfitted nonresidents in each game management unit for the 2024 season equals the non-resident limit set for that unit by Commission action in August 2022 minus the Initial Tag Use Numbers.

Sample Motion on outfitter set aside: I move the Commission set aside 2,939 general season elk tags and 1,733 general season deer tags from the 2024 statewide nonresident limits for sale to persons that have entered into an agreement to use the services of a licensed outfitter.

Sample Motion on elk tag limits: I move the Commission adopt staff recommendations for Initial Tag Use Numbers for outfitter tag allocation and 2024 elk tag limits for nonresidents for elk zones that are unlimited for residents, as provided in Tables 1 and 2 of the handout.

Sample motion on deer tag limits: I move the Commission adopt staff recommendations for Initial Tag Use Numbers for outfitter tag allocation and 2024 deer tag limits for nonresidents for general deer units, as provided in Tables 3 and 4 of the handout.