

Meeting Date: September 1, 2021

Agenda Item No. 2

Agenda Item: Set general hunt deer and elk tag limits for nonresidents and outfitter allocation in units/zones not having resident tag limits

Bureau Chief Approval: JF

Background:

To address resident hunters concerns about hunter congestion, the Commission set nonresident tag limits, beginning with 2021 hunts, for all individual game management units for deer and for all previously uncapped elk zones (Elk A tags in 20 zones, and Elk B tags in 6 zones). Resident participation in these zones and units remains unlimited.

At its November 20, 2020 meeting, the Commission adopted a “sliding scale” framework for 2021/2022 total nonresident tag limits for deer units and previously uncapped elk zones, based on prior nonresident participation and the backcountry nature of certain units. The Commission also allocated a portion of the limited nonresident tags for outfitter use, based on the highest outfitted use in the zone/unit during 2018 and 2019, the 2 most recent years for which use data were available from the Idaho Outfitters and Guides Licensing Board (IOGLB). Because the use totals for elk tags exceeded the outfitter tag set aside limit, the Commission pro-rated allocated elk tags among the newly limited zones.

Two developments resulted in the Commission revising the 2021 limits in January 2021 (elk) and March 2021 (deer). IDFG and IOGLB determined that reported use information received from outfitters via IOGLB for 2018/2019 was incorrect/incomplete, particularly for outfitted deer tag use. IOGLB provided outfitters a short time period to revise their use reports. The other development was that the Commission received temporary rulemaking authority from the Governor to increase the statewide outfitter elk tag set-aside from 2,400 to 2,800 to accommodate reported use, and the Commission adopted this rule change in December 2020. Following these developments, the Commission revised the individual elk zone limits in January 2021, consistent with 100% of highest reported outfitter use (based on the revised reports), where outfitter tag allocation had previously been prorated, and the Commission revised deer unit limits after IDFG staff made recommendations based on a review of revised outfitter report information. The Commission deferred action on 2022 limits to allow additional discussion and coordination with IOGLB regarding outfitter use data.

Following Commission direction, staff continued to work with the IOGLB and the Idaho Outfitters and Guides Association (IOGA) to refine outfitter reporting information and develop recommendations for 2022 tag limits. At the request of IOGA and individual outfitters, the Commission is considering the setting of nonresident and outfitter allocated tag limits earlier in the year relative to the December 1 sale date for 2022 nonresident tags.

Outfitter Tag Allocation

Administrative rule (IDAPA 13.01.04.500) establishes the number of deer tags (1,985) and elk A/B tags (2,900 tags, pending temporary rule adoption under prior agenda item) set aside on a statewide basis for sale to persons that have entered into an agreement to use the services of a licensed outfitter. 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 2022/2023 big game seasons, the Commission allocated 1,910 elk tags to outfitters in capped elk zones (zones with limits for resident tags, outfitter allocated tags, and nonresident over-the counter-tags).

This agenda item concerns the setting of 2022 nonresident and outfitter allocated tag limits for deer units and elk zones that are unlimited for resident hunters. The total nonresident limits for these units and zones were set in November 2020. Over-the-counter tag availability for nonresidents will be determined by subtracting outfitter allocated tags from the total nonresident limits for each unit and zone.

Staff will propose outfitter elk tag allocation based on the highest reported outfitter use in the previous 2 years (2019 and 2020) for uncapped elk zone A and B tags.

For deer tag allocation, staff identified wide variation in some units for outfitted deer tag use reported for 2019 versus 2020. White-tailed deer can be hunted with a regular or white-tailed tag, and based on the variation in use numbers, it is reasonable to conclude this variation in some units is at least partially due to outfitter reporting “white-tailed deer” use on a species basis in 2019 and on a tag type basis in 2020. Staff have interpreted outfitter use data regarding “highest use” for some deer units based on the variation between 2019 and 2020, and a review of outfitter tag sale data through July 31, 2021 for 2021 tags.

Staff will propose outfitter deer tag allocation based on the highest reported outfitted use in the last 2 years for regular deer tags and white-tailed deer tags, as long as that total does not exceed 50% of the total nonresident tags for that unit. In any unit where the highest outfitted use exceeds 50% of the total number of nonresident tags available, allocation would be set at 50% of the number of nonresident tags.

After the Commission allocates tags for outfitter use by zone or unit, the IOGLB 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 statewide and unit/zone limits for nonresident deer and elk tags. This statute authorizes the Commission to set aside tags for outfitted hunters up to a maximum of 25% of the statewide nonresident quota. When the Commission limits deer or elk tags in a general hunt unit or zone, Idaho Code 36-408 authorizes the Commission to allocate outfitter tags for that unit/zone up to a maximum of 50% of the nonresident limit.

IDAPA 13.01.08.255 authorizes the Commission to limit the number of general hunt deer or elk tags available for nonresidents in a zone or unit. Rules addressing implementation of caps and allocation of tags in capped general hunt zones appear in IDAPA 13.01.04.505 Deer and Elk Tag Allocation.

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 tags available to non-outfitted nonresident hunters and the number of tags allocated for outfitted hunters in each newly limited elk A and B tag zone and each general season regular deer tag and white-tailed deer tag game management unit for the 2022 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 2022 season.

Staff Recommendation:

- Newly limited (uncapped) Elk Zone A and B tags – Staff recommends the Commission allocate tags for use by outfitted clients based on the highest reported outfitter use in each zone during the most recent 2 years for which completed data are available (2019 and 2020). The number of tags available for non-outfitted nonresidents in each elk zone A or B tag equals the non-resident limit set for that A/B zone tag by Commission action in November 2020 *minus* the number of outfitter allocated tags the Commission sets for the 2022 season.
- Regular Deer Tags – Staff recommends the Commission allocate tags for use by outfitted clients based on the highest reported outfitter use in in each unit during the previous 2 years for which data are available (2019 and 2020), as long as the highest use does not exceed 50% of the total nonresident tags for that unit. In any unit where the highest outfitted use exceeds 50% of the total number of nonresident tags available, allocation would be set at 50% of the number of nonresident tags. The number of regular deer tags available for non-outfitted nonresidents in each game management unit equals the non-resident limit set for that unit by Commission action in November 2020 *minus* the number of outfitter allocated tags the Commission sets for the 2022 season.
- White-tailed deer Tags – Staff recommends the Commission allocate tags for use by outfitted clients based on the highest reported outfitter use in in each unit during the previous 2 years for which data are available (2019 and 2020), as long as the highest use does not exceed 50% of the total nonresident tags for that unit. In any unit where the highest outfitted use exceeds 50% of the total number of nonresident tags available, allocation would be set at 50% of the number of nonresident tags. The number of white-tailed deer tags available for non-outfitted nonresidents in each game management unit equals the non-resident limit set for that unit by Commission action in November 2020 *minus* the number of outfitter allocated tags the Commission sets for the 2022 season. Staff have made some reasonable interpretation related to outfitter use data for white-tailed deer reported by species versus tag type.

Sample Motion on elk tag limits: I move the Commission adopt staff recommendations for 2022 elk tag limits for nonresidents and outfitter tag allocation, as provided in Tables 1 and 2 of the handout, for elk zones that are unlimited for residents.

Sample motion on deer tag limits: I move the Commission adopt staff recommendations for 2022 deer tag limits for nonresidents and outfitter tag allocation, as provided in Tables 3 and 4 of the handout.