

Meeting Date: March 18, 2021

Agenda Item No. 5D

Agenda Item: Revised Outfitter Allocation in newly limited deer units for 2021 seasons (ACTION)

Bureau Chief Approval: TB

Prepared by: Toby Boudreau, Chief of Wildlife and Jon Rachael, Regional Supervisor Southwest Region

Background:

In November 2020, the Commission set nonresident limits for 2021 general hunt tags, based on a “sliding scale” for each game unit for deer and for each previously uncapped elk zone. This action set nonresident limits for deer in all general hunt units, Elk A tags in 20 zones, and Elk B tags in 6 zones. The Commission also allocated a portion of these tags for outfitters based on the highest outfitted use in each newly limited 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).

Following the Commission’s November 2020 action, staff identified additional circumstances for the Commission to consider in potential revision of these limits. The Commission reviewed the circumstances related to outfitter allocated elk tags and took related action at its January 28, 2021 meeting. Following Commission direction at the January 28, 2021 meeting, staff have continued to work with the IOGLB and IOGA regarding outfitter reporting information for general deer tags.

Deer Tags

In November 2020 the Commission limited the proportion of nonresident regular deer tags and nonresident white-tailed deer tags in each game management unit. The proportion of nonresident hunters in each unit was limited to either 10% or 15% of the previous 5 year average number of total hunters, except that 12 backcountry units were limited at their average percentage of nonresidents over the previous 5 years.

The Commission allocated regular and white-tailed deer tags for outfitted hunter use for individual deer units based on the highest use reported by outfitters to the IOGLB for 2018 and 2019. In 9 regular deer tag units and 7 white-tailed deer tag units, outfitter tag allocation was limited to 50% of the nonresident limit for those units, consistent with the requirements of Idaho Code 36-408.

The number of deer tags allocated by the Commission for outfitter use totaled 1,776 tags, 209 tags fewer than the outfitter 1,985 tags set-aside on a statewide basis by current administrative rule.

Following the Commission’s November 2020 action, numerous outfitters contacted the Department, IOGLB, and/or IOGA indicating that their use reports appeared to be incomplete or inaccurate.

As a result of these contacts, IOGLB provided outfitters licensed for deer hunts an opportunity to supplement previously reported use, based on client tag documentation. After a review of this information, IOGLB recalculated outfitter use data for 2018 and 2019 and provided that information to the Department for each game management unit for regular deer tags and white-tailed deer tags.

The updated use data for regular deer tags identified 11 game management units in which use exceeded the number of tags previously allocated by the commission in November, by a total of 115 tags. In 4 of these units, the previous number of allocated tags was already limited at 50% of the new nonresident tag limit. The Commission could allocate an additional 66 regular deer tags to meet the previous high use of outfitters in the other 7 game management units.

The updated use data for white-tailed deer tags identified 4 units in which use exceeded the number of tags previously allocated by the commission in November, by a total of 25 tags. In 2 of these units, the previous number of allocated tags was already limited at 50% of the new nonresident tag limit. The Commission could allocate an additional 10 white-tailed deer tags to meet the previous high use of outfitters in the other 2 game management units.

The 66 nonresident regular deer tags and 20 nonresident white-tailed deer tags could be allocated from the 209 deer tags remaining in the statewide outfitter set-aside. However, because the general season Over-The-Counter (OTC) nonresident deer tags have already sold out in most units, the Commission would need to make adjustments to increase the total number of nonresident tags available in some of these units for the 2021 hunting season.

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.

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 was collected in conjunction with Commission meetings. Additional public involvement related to 2022 outfitter allocated tag limits will occur during rulemaking related to outfitter set-aside statewide tag limits and upcoming Commission meetings.

Justification:

Commission action is required to modify nonresident limits and outfitter allocation set by proclamation at the November 2020 meeting.

Staff Recommendation:

For 2021 general deer hunts, staff recommends the Commission modify the number of outfitter-allocated regular deer and white-tailed deer tags set by proclamation at the Commission's November 20, 2020 meeting, based on 100% of the high outfitted use as reported to IOGLB (2018-2019 use years). Because over-the-counter nonresident deer tags have sold out in most game units, increasing the number of outfitter allocated tags would also involve increasing the 2021 total nonresident limits in the affected units.

For 2022 general elk and deer hunts in previously unlimited zones, staff recommends the Commission defer action on setting nonresident deer and elk tag limits until later this year. Deferring action for 2022 will give the Commission the ability to consider information from negotiated rulemaking related to the statewide outfitter set-aside and

from upcoming staff discussion and coordination with IOGLB and IOGA regarding 2020 outfitter use information.

Sample Motion:

I move that the Commission amend its November 20, 2020 proclamation as it relates to 2021 limits on total nonresident general hunt tags, over-the-counter tags, and outfitter allocated tags for regular deer and white-tailed deer as specified in the tables as they now appear before us,

with direction to reduce the over-the-counter nonresident tag limit and any amended increase in the total nonresident tag limit for a unit, by no more than the number of tags needed to offset any amended increase in the limit for outfitter allocated tags, should nonresident over-the-counter tags be available in that unit now, or be later returned (such as in exchange for a controlled hunt tag).