

Meeting Date: January 28, 2021

Agenda Item No. 5. D.

Agenda Item: Outfitter Allocation in newly limited
Elk zones and deer units (ACTION)

Bureau Chief Approval: ES

Prepared by: Jon Rachael, Southwest Regional Supervisor

Background:

In November 2020 the Idaho Fish and Game Commission established limits for nonresident hunters that could hunt in each game management unit for deer and in general season elk zone A and B tag hunts that had not previously been capped (Deer tags in all game units and Elk A tags in 20 zones and Elk B tags in 6 zones).

By statute, when the number of deer or elk tags available for use in any game management unit or zone is limited, the Commission may allocate a number of deer and elk tags from the outfitter set-aside tags for use by outfitted hunters. Consequently, the Commission considered allocating the number of outfitted hunter elk and deer tags based on the highest number within each of the last 2 years (2018 and 2019) of all elk or deer tags using the service of an outfitter in each newly limited deer unit or elk zone, provided tags were available in the outfitter set-aside and did not exceed 50% of the nonresident quota for each limited zone/unit.

The number of general season nonresident deer and elk tags (1,985 nonresident deer tags 2,400 nonresident elk tags) set aside annually for use by hunters using the services of a licensed Idaho outfitter is set by administrative rule. Outfitter set-aside quotas are a subset of the total nonresident deer and elk tag quotas (15,500 total deer tags and 12,815 elk tags).

Elk Tags

Before the Commission's November action 1,918 outfitter set-aside elk tags were already allocated to existing capped elk zone A and B tag hunts (as of 2020 big game seasons), leaving a balance of 482 tags for the Commission to allocate to outfitted hunters in the uncapped elk zone A and B tag zones when those zones were newly limited for nonresidents.

Staff applied use data reported by outfitters to the Idaho Outfitters and Guides Licensing Board (IOGLB) for the two previous hunting seasons (2018 and 2019) to calculate the highest outfitter use in uncapped elk zones for A and B tags. However, because the total highest use for all outfitted A and B tags (819 tags) exceeded the balance of outfitter set-aside tags (482 tags), the high use values for each newly limited outfitted zone were prorated at 58.8%.

Because of the ~40% shortfall of allocated tags in comparison to the highest reported use in each outfitted zone, the Department, IOGLB, and Idaho Outfitters and Guides Association (IOGA) advised outfitters to have some of their clients purchase their own tags, or purchase tags on their clients' behalf, from the nonoutfitted nonresident tags for their respective zones. However, despite a significant increase in nonresident license and tag prices beginning on Dec 1, 2020 when nonresident tags went on sale, demand for nonresident tags was unprecedented, and many zones sold out before outfitters or their clients could buy their tags.

In response to these circumstances, the Commission scheduled a special meeting on December 22, 2020 and exercised temporary rule-making authority provided by the Governor's office and temporarily increased the number of outfitter set-aside tags for elk from 2,400 to 2,800 so they could consider providing additional set-aside tags to outfitters to match the high reported use for each newly capped zone in which outfitters operate.

Staff will present a proposal for Commission consideration to reach 100% of the high reported use in these zones for the 2021 hunting season (Table A provides tag numbers for 100% high use). Providing additional outfitter allocated tags may result in the proportion of nonresident hunters exceeding the new limits established by the Commission in November. In most cases, the percentage of nonoutfitted nonresidents and outfitted nonresidents would increase by less than 1%; the largest increase would be 3.2% (Attached slides provide comparisons by zone). For the 2022 hunting season, allocation at 100% of the reported high use would fall within the newly established limits on proportion of nonresident hunters established by the Commission at their November 2020 meeting.

Deer Tags

In November the Commission also 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 tags for use by outfitters for regular deer and white-tailed deer tags in each game management unit where outfitting occurs for general season deer hunts.

The Commission allocated a number of tags in each unit based on the highest use reported by outfitters to the IOGLB for 2018 and 2019. However, in 9 units, the reported high outfitted use exceeded 50% of the new nonresident limit set for regular deer tags, and in 7 units the reported high outfitted use exceeded 50% of the new nonresident limit set for white-tailed deer tags. Outfitter allocation in these 9 regular deer tag units and 7 white-tailed deer tag units was set at 50% of the nonresident limit for those units.

The Commission, by administrative rule, sets aside 1,985 nonresident deer tags annually to be used by outfitted hunters. The number of tags allocated for outfitter use met the highest reported use for all units, unless the use was more than 50% of the nonresident limit in which case allocation was set at 50% of the nonresident limit per statute. 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 by current rule.

Since the Commission's action to establish allocation for general season deer hunts, numerous outfitters have contacted the Department, IOGLB, and/or IOGA indicating that their use reports appear to be incomplete or inaccurate.

In December, IOGLB and IOGA communicated with licensed deer and elk outfitters regarding use reporting. As with nonresident elk tags, nonresident deer tags sold at a much quicker rate than previously experienced and many units are sold out. Department staff continues to work with IOGA and IOGLB regarding use data for regular deer and white-tailed deer tags to inform a proposal for Commission consideration in the coming weeks to modify outfitter allocation for the 2021 season deer hunts and potentially allocate some or all of the 209 tags remaining in the outfitter set-aside.

Statutory Authority and/or Policy Issues:

Idaho Code 36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED -- OUTFITTERS SET-ASIDE.

(3) Outfitted Hunter Tags Set-Aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside, when setting big game seasons, in a statewide pool, a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. These tags may be allocated to the outfitted hunters in capped hunts and controlled hunts and set aside for outfitted hunter use in general hunts.

Rules addressing implementation of caps and allocation of tags in capped general hunt zones and controlled hunts appear in IDAPA 13.01.04.505 Deer and Elk Tag Allocation.

Commission authority and options for allocating general season deer and elk tags to clients of licensed outfitters appear in Idaho Code 36-408 and IDAPA 13.01.04.505.

Public Involvement Process:

The Department and Commission have received input from deer and elk hunters year round, in the field, by phone and email, and through input received through surveys and online and at public meetings and open houses during season setting processes, management plan development, and through testimony at Fish and Game Commission meetings. Comments were solicited during multiple formal public input periods during the administrative rule-making process and Commission meetings in 2019 and 2020. Department staff continue to work closely with IOGA leadership and IOGLB staff on outfitter use and allocation.

Justification:

Commission action is required to modify nonresident limits and outfitter allocation set by proclamation at the November 2020 meeting. Additional information is provided as an update.

Staff Recommendation:

Outfitter Elk Tag Allocation.—Staff recommends the Commission modify the number of outfitter allocated elk tags set by proclamation at the Commission's November 20, 2020 meeting for the 2021 hunting season to reach 100% of the high outfitted use as reported to IOGLB (2018-2019 use years). Staff will review with the Commission approaches for reaching 100% outfitter reported use in the previously uncapped elk zones; approaches may vary based on individual zone circumstances as they exist as of the meeting date (January 28).

Because most nonresident elk zones have sold out, increasing the number of outfitter allocated tags would result in exceeding the proportional nonresident limits established by the Commission in November by a small amount for one year.

Note: At the March 2021 meeting, the Department expects to present a recommendation for outfitter allocation for the fall 2022 hunting season that would fall within the sliding scale nonresident limits set for each previously uncapped elk zone.

Outfitter Deer Tag Allocation.—An update on deer tag allocation and staff's continuing work with IOGLB and IOGA staff is provided for Commission information. No action on allocation of outfitted deer tags is requested at this time.

Sample Motion #1: *I move that the Commission amend its November 20, 2020 proclamation as it relates to limits on nonresident and outfitter allocated tags for previously uncapped elk zones as specified in the table as it now appears before us [Commission meeting discussion will guide staff development of a revised table for the proclamation].*

Sample Motion #2: *I move that the Commission amend its November 20, 2020 proclamation as it relates to limits on nonresident and outfitter allocated tags for previously uncapped elk zones as specified in the table as it now appears before us, with the following modifications [identify adjustments].*

Table A. Tag numbers allocated by the Commission in November for outfitter use, the highest reported outfitted use for 2018 and 2019, and the number of additional allocated tags needed to meet 100% of the high use for each newly limited elk zone. The Outfitter Allocated Tags have been held in reserve specifically for outfitted hunters. After receiving the Commission’s tag allocation on a zone basis, IOGLB determines tag designation to individual outfitters.

Zone	Outfitter Allocated Tags (Nov. 20, 2020 Proclamation)**	High Outfitted Use reported to IOGLB	Additional Allocated tags needed from set-aside for 100% use
Bear River A	26	45	19
Beaverhead A	5	8	3
Dworshak A	19	33	14
Island Park A	4	7	3
Lemhi A	38	64	26
McCall A	44	74	30
McCall B	75	128	53
Palisades A	7	12	5
Palisades B	6	11	5
Palouse A	7	12	5
Palouse B	6	10	4
Panhandle A	44	74	30
Panhandle B	54	92	38
Pioneer A	79	135	56
Salmon A	28	48	20
Smoky-Bennett A	6	10	4
Tex Creek A	9	16	7
Tex Creek B	18*	40	22
Weiser River A	5	9	4
Totals	480	828	348

* After the November Commission meeting, IOGLB informed IDFG that an error caused Tex Creek B tag use to be underreported by 9 tags; IDFG recommends the Commission adjust this number based on corrected use data.

** The Commission’s 11/20 allocation was based on use reports IOGLB received for 2018 and 2019, pro-rated at 58.8 %, based on the rule limiting statewide outfitter set-aside elk tags to a maximum of 2,400 (other set-aside is used in previously capped elk zones). On December 22, the Commission temporarily increased the statewide set-aside for elk tags to 2,800 to allow consideration of additional outfitter tag allocation for 2021.