

Meeting Date: November 16, 2021

Agenda Item No. 5. H.

Agenda Item: Falconry: Sage Grouse Tag Use for End of 2021-2022 Season / Discount Order (**Action**)

Bureau Chief Approval: mw

Prepared by: Regan Berkley, Regional Wildlife Manager

Background:

Legislation (House Bill 235) enacted in 2021 added sage grouse to the list of species requiring game tags under Idaho Code 36-409. This legislation was a revised version of Commission-sponsored legislation, with the goal of better regulation of sage-grouse harvest and distribution of hunting activity to align with sage grouse populations across the state.

During the July 2021 meeting, the Commission set 2021 sage-grouse seasons and allocated tags by designated zones. Sage-grouse seasons were set from September 18 to October 31 for shotgun/archery hunters.

Falconry season dates have traditionally differed from other sage-grouse season dates. During the July 2021 meeting, the Commission did not make changes to previously adopted falconry season dates for sage-grouse (August 15 – March 15).

Under Idaho Code 36-403, game tags are valid only during the time the corresponding basic annual license is valid. Sage-grouse 2021 tags are valid through the end of calendar year 2021 and expire on December 31, 2021.

Falconers and staff identified the enactment of a game tag requirement for sage grouse as potentially reducing or confusing tag use for falconer participation. Under the prior permit framework, falconers simply purchased an annual sage/sharp-tailed permit that allowed falconry hunting of sage grouse from January 1 – March 15 and from August 15 – December 31 in a calendar year. Staff have identified a need to address the use of game tags for the remainder of the falconry seasons (Jan. 1 – March 15, 2022), such that their use aligns with the Commission’s tag allocation based on 2021 biological data, and such that it is separate from future tag allocation the Commission may make for seasons beginning in fall 2022 after a review of 2022 biological data.

The Commission will be able to consider the falconry framework for sage grouse more fully in conjunction with upcoming falconry season setting and the zero-based review of falconry rules (IDAPA Chapter 13.01.14). In the interim, staff present a discount order for the Commission’s consideration to address sage grouse tag use for the remainder of the falconry season previously set for fall 2021/winter 2022 for sage grouse. This discount order would allow IDFG to issue tags at no charge to falconers who have not yet filled their 2021 sage-grouse tags. Newly issued tags would be valid for the 2022 portion of the falconry season: January 1, 2022 – March 15, 2022.

Statutory Authority and/or Policy issues:

Idaho Code 36-403 and 36-409, along with related administrative rules, establish the valid dates and requirements for use of game tags for sage grouse and other identified species. Idaho Code 36-411 authorizes the Commission to discount tags for specific species, units,

areas, zones or gender to encourage licensed sales or to encourage hunting, fishing or trapping.

Public Involvement Process:

The public has an opportunity to comment on this issue before the Commission meeting. Future involvement on this subject (sage grouse tag use in falconry seasons) may occur in conjunction with upcoming setting of falconry seasons and zero-based rulemaking.

Staff Recommendation:

In conjunction with the transition from the permit to game tag framework for sage grouse, the Department recommends that the Commission adopt a discount order for sage grouse game tags effective for the remainder of the previously set falconry season (January 1 – March 15, 2022).

Suggested Motion: The Commission adopt the discount order for sage grouse tags for falconry as presented.

BEFORE THE IDAHO FISH AND GAME COMMISSION

IN THE MATTER OF FEE DISCOUNTS)
FOR SAGE GROUSE TAGS FOR USE IN) ORDER 21-XX
FALCONRY SEASON ENDING)
MARCH 15, 2022)

At its July 2021 meeting, acting under 2021 legislation enacting a requirement for game tags for sage grouse, the Commission adopted a new sage grouse season framework in which it set tag limits by zones based on spring 2021 biological data, with a requirement that hunters purchase tags specific to the single zone they choose to hunt. The Commission intends to use this framework again for season setting after it reviews population data based on spring 2022 biological data.

The Commission previously adopted falconry seasons for 2020-2021 and 2021-2022, which included seasons for falconry hunting of sage grouse from August 15, 2020–March 15- 2021 and August 15, 2021–March 15, 2022. The requirement for game tags for sage grouse became effective July 1, 2021, applicable to seasons in the second half of calendar year 2021 and subsequent years.

Under Idaho Code Section 36-403(a), all game tags are valid only during the time that the corresponding annual license for the tag is valid. As such, 2021 sage grouse tags expire on December 31, 2021. The Commission has considered input from falconers relative to the seasons set previously and biological information provided by the Department for the setting of 2021 tag limits. The Commission has determined that a discount is appropriate under Idaho Code Section 36-415 as a matter of transition from the permit framework to a tag framework in 2021, with the issue subject to review in conjunction with future season setting.

Therefore, under the authority of Idaho Code Section 36-415, based on a finding of biological and public need to support the continuation of previously set falconry seasons, while ensuring consistency with tag limits set based on 2021 biological information, the Idaho Fish and Game Commission hereby ORDERS a discount of 2022 sage grouse tags for use in falconry to the amount of zero dollars (\$0.00), with discounted tags to expire March 15, 2022.

The Commission further ORDERS that eligibility for tags discounted under this order is limited to individuals who: (1) have a license and falconry permit valid for hunting in 2022; (2) purchased a sage grouse tag for the fall 2021 season and have not killed a bird with use of said tag, and (3) surrender to the Department the unused 2021 tag.

To ensure the smooth administration of issuing tags to a small number of individuals, the Commission further ORDERS that tags discounted under this order are only available from Department offices.

A falconry hunter who has a license and falconry permit valid for hunting in 2022, but who did not purchase a sage grouse tag for fall 2021, or who does not surrender an unused 2021 sage grouse tag, is eligible to purchase an undiscounted sage grouse tag valid through March 15, 2022, subject to the 2021 tag limits and other tag requirements.

Ed Schriever
Secretary of the Commission

OFFICE

OF