

**Meeting Date:** January 23, 2020

**Agenda Item No.** 11

**Agenda Item:** Allocation of tags in capped elk zones

**Bureau Chief Approval:** \_\_\_\_\_

**Prepared by:** Jon Rachael, State Wildlife Manager for Toby Boudreau, Chief of Wildlife

**Background:**

The current elk zone A and B tag management approach was developed as part of the 1997 elk management plan and was implemented beginning with the 1998 hunting season. The zone management system and A and B tags were developed as a tool to manage hunter distribution within a general season, over-the-counter tag sales framework as an alternative to using controlled hunts to limit hunting pressure. Further, rules were developed to enable the Commission to “cap” the number of A or B tags offered within a zone if hunting pressure prevented the Department from meeting elk population objectives.

By rule, when caps were implemented for an A tag or B tag to restrict the number of hunters within a zone, the total number of tags was allocated proportionally among resident hunters, non-outfitted nonresident hunters, and outfitted hunters based on their participation in the zone during the preceding 5 year period when the number of tags was unrestricted.

IDAPA 13.01.04

**505. DEER AND ELK TAG ALLOCATION.**

01. Allocation of Tags. Pursuant to Idaho Code Section 36-408(d), the Fish and Game Commission may allocate a number of deer and/or elk tags for use by hunters with signed agreements with licensed outfitters in zones with limited numbers of tags. The allocation will be calculated on a zone basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, nonoutfitted nonresident hunters, and outfitted hunters. When the number of hunters in a general hunt unit or zone becomes restricted, the Department will calculate the initial number of allocated tags for each zone using the Idaho Outfitters and Guides Licensing Board's records of average historic use during the previous five (5) year period. Where it is biologically feasible, any reductions in the number of tags available within a zone which exceeds twenty percent (20%) will be spread over a three (3) year period with a maximum reduction of fifty percent (50%) taken in the first year and twenty-five percent (25%) in the second year. When an area becomes controlled, hunt application and eligibility rules will apply to allocated tags in controlled hunts. Only those units or zones with licensed outfitted areas with historic use will be considered for tag allocation. (10-20-97)T

The first cap was implemented in 1998 on the Lolo B tag, followed by caps placed on the Middle Fork Zone A and B tags and the Selway B tag in 2000. Today caps are in place in 14 Elk Zones (Lolo A and B, Selway A and B, Middle Fork A and B, Dworshak B, Elk City A and B, Diamond Creek A, Sawtooth A and B, Salmon B, Bear River B, Weiser River B, Pioneer B, Smoky-Bennett B, South Hills B, and Big Desert B).

Because tags are allocated among resident, nonoutfitted nonresident, and outfitted hunters in proportion to their participation prior to hunter numbers being restricted, in some zones a high proportion of the number of capped tags is allocated to nonresident hunters. In rare cases the number tags allocated to nonoutfitted nonresidents exceeds the number of tags allocated to resident hunters (e.g., Lolo A tag, Selway A tag).

Following rulemaking and subsequent ratification in 2013, the Commission was granted authority to reduce the number of tags allocated to nonresident hunters in capped zones to not less than 25% of the tags if the proportional allocation resulted in a percentage of nonresidents exceeding 25%.

### **IDAPA 13.01.04.505.01 Allocation of Tags for Capped General Hunt Units or Zones.**

b. The allocation of tags will be calculated on a zone basis. Any reduction or increase in hunting opportunities will be proportionate among non-outfitted hunters and outfitted hunters and will be proportionate among resident and non-resident hunters; EXCEPT where such reduction would result in an allocation of greater than twenty-five percent (25%) for non-resident hunters, the Commission may reduce the allocation for non-resident hunters to a percentage of not less than twenty-five percent (25%). (3-25-13)

The Commission exercised this authority in 2015 when they reduced the proportion of nonoutfitted nonresident hunters in the Diamond Creek A tag hunt from 42% to 35%. The Commission further reduced the proportion of nonresidents in the Diamond Creek A tag hunt to 25% for the 2020 hunting season. The Commission also reduced nonresident participation in the capped Salmon B tag from 33% to 25% effective for the 2020 hunting season.

At Commission direction, the Department completed rule-making during 2019 to provide the Commission additional authority to limit the number of tags available for nonresident hunters in a zone or big game hunting unit to no less than 10% of the average hunter participation estimated for that zone or unit during the previous 5 years. This rule docket will be up for ratification by the 2020 legislature.

### **IDAPA 13.01.04.505.01 Nonresident Tag Restrictions.**

d. 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. If the Commission adopts tag limits in a zone or big game hunt unit for non-residents under this subsection 01.d, without limiting residents, the provisions of IDAPA 13.01.04.505.02, "Rules Governing Licensing," applicable to controlled hunts with limited nonresident tags and unlimited resident tags will apply to deer and elk tag allocation instead of the provisions of IDAPA 13.01.04.505.01. ( )

### **Statutory Authority and/or Policy Issues:**

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.

### **Public Involvement Process:**

Rules to regulate hunter distribution and allocation of opportunity among user groups within elk zones were developed as part of the 1997 elk plan and subsequent implementation. The elk management planning process and the rules process included significant public involvement. Modification to the original allocation rules for capped zones went through negotiated rule making and included multiple opportunities for public input.

### **Justification:**

This agenda item is provided at Commission request for information on the history and formula for allocation of tags among resident, nonoutfitted-nonresident, and outfitted hunters in capped elk zones.

### **Staff Recommendation:**

This agenda item is an update for Commission information only. No action is requested at this time.