Meeting Date: August 31, 2022  

Agenda Item: Set general hunt tag limits for outfitter-allocated and non-allocated nonresident tags for deer units & elk zones limited for nonresidents only (resident tags unlimited)

Bureau Chief Approval: JR

Prepared by: Rick Ward, State Wildlife Manager

Background:
This agenda item concerns the setting of limits for outfitter-allocated and non-allocated (over-the-counter) nonresident tags in deer units and elk zones that do not have resident tag limits. In response to requests from the Idaho Outfitters and Guides Association and individual outfitters, the Commission is considering allocation of tags in these units/zones before December 1, 2022, the date on which sales begin for non-allocated (over-the-counter) nonresident tags for 2023 hunts.

Nonresident Participation Limit

The Commission limits the total number of general season nonresident deer and elk tags by administrative rule: 12,815 elk tags and 15,500 total deer tags. However, these statewide nonresident tag quotas do not affect distribution of hunters by zone or unit. As a result, some game management units and elk zones have had a very high percentage of nonresident hunters during the general season (some more than 50% nonresident hunters), whereas other units or zones have a low percentage of nonresidents.

In response to resident hunters’ concerns about hunter congestion in some uncapped zones/units, the Commission adopted an administrative rule (effective March 2020). Under this rule, the Commission may limit the number of tags available for nonresident hunters in general-season hunts in a zone or game management unit to no less than 10% of the average number of hunters estimated for that zone or unit during the previous 5 years. When the Commission limits tags for nonresidents, it may also allocate tags for outfitted hunter use based on verified use history by zone/unit, as provided by rule and subject to a statewide limit on tags set-aside from the statewide nonresident quota for outfitted hunter use.

The Commission first limited nonresident participation in 2021 and 2022 for general hunt regular and white-tailed deer tags by individual game unit and for general hunt elk A and B tags for each previously uncapped elk zone (with resident participation remaining unlimited in these units/zones). For 2021-2022, the Commission generally limited nonresident participation at 15% for tags in elk zones and deer units averaging ≥15% nonresidents in the previous 5 years (2015-2019), and limited nonresident participation at 10% for those zones and units averaging <15% nonresidents in 2015-2019. In certain backcountry units with relatively low overall hunter participation (see staff recommendation below), the Commission set the nonresident participation for deer tags at its 5-year (2015 – 2019) average.

To set nonresident limits in general-season deer hunts and uncapped elk zones for the 2023 and 2024 seasons, staff propose continuation of the sliding scale percentages established for the 2021 and 2022 seasons (10%, 15%, or other % for certain backcountry units). Staff applied these percentages to the most recent 5-year average (2017-2021) of hunter-number estimates by zone or unit, to identify proposed limits for nonresident participation for 2023 and 2024.
The Commission may then allocate tags for outfitted hunters, with the remainder available for over-the-counter sale to non-residents as of December 1 for the following calendar year.

Allocation of Tags for Outfitted Hunter Use

When the Commission sets tag limits in a zone or unit, it may allocate tags for hunters using the services of licensed outfitters based on verified outfitter tag use history. The Idaho Outfitters and Guides Licensing Board (IOGLB) then applies its administrative process to designate tags to individual outfitters for their client use.

Changes in Idaho law in 2020 switched outfitter use reporting for tag allocation purposes to verification of tag sales to clients of licensed outfitters recorded via IDFG's licensing system. Previously outfitters reported client tag use to the IOGLB. Earlier this year the Commission adopted a temporary rule (in conjunction with negotiated rulemaking) to bridge the transition from outfitter tag use reporting through IOGLB to reporting through the IDFG license system. As of December 1, 2022, only one complete year (2021) of tag sales data will be recorded via the Department’s licensing system. This temporary rule authorizes the Commission to determine 2023 tag allocation for general hunts limited only for nonresidents by considering the higher of the 2020 outfitted hunter use data reported to the Board and 2021 use data recorded via IDFG’s licensing system.

Staff have compiled the 2020 and 2021 outfitted hunter tag use data consistent with the temporary rule. Consistent with the temporary rule, the Commission will use the higher of the two-year use data for allocating 2023 tags for outfitted hunter use for each zone/unit limited for nonresidents only.

Two years of verified outfitted hunter tag use history is not yet available for 2024, so the decision on allocation for outfitted hunters for 2024 will come before the Commission in 2023. In years after 2024, the Commission will be able to make this determination on either an annual or two-year (biennial) basis.

Non-Allocated Tags Available for Sale December 1, 2022

The number of deer/elk tags allocated by the Commission by zone/unit will be deducted from the corresponding total limit on non-resident participation, and the remaining number will be available for sale as non-allocated (over-the-counter) 2023 general hunt tags to non-residents as of December 1, 2022.

Statutory Authority and/or Policy Issues:

Idaho Code 36-408 authorizes the Commission to set limits on numbers of game tags issued, including limits specific to the number of tags issued to nonresidents statewide or by hunt area. It also authorizes the Commission to set aside a maximum of 25% of statewide nonresident tag limits for use by hunters with agreements with licensed outfitters. It also authorizes the Commission to allocate tags for use by outfitted hunters when it limits tags by unit or zone, based on outfitted hunter tag use history.
IDAPA 13.01.08.255.01 provides:

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.

IDAPA 13.01.04.506 (temporary rule) provides:

For general hunts first limited for nonresidents in 2021, the Commission will determine outfitted hunter tag allocation for 2023 based on the higher tag number for the hunt area as between outfitted hunter tag use for 2020 reported to the IOGLB and incorporating IOGLB-approved adjustments as of April 29, 2022, and outfitted hunter tag use verified and recorded for 2021 in accordance with Section 36-408 Idaho Code.

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, 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 also solicited during multiple formal public input periods during the administrative rule-making process and Commission meetings in 2019 and 2020. Negotiated rulemaking regarding outfitter tag allocation was conducted this year (2022), resulting in the adoption of temporary and proposed rules by the Commission at its July 2022 meeting.

Justification:
Commission action is required to establish limits to manage nonresident deer and elk hunter participation and distribution in general season regular deer tag hunts, white-tailed deer tag hunts, and in uncapped elk zone A and B tag hunts. Commission action is also required to allocate tags for use by outfitted hunters, based on prior outfitted tag use history.

Staff Recommendation:
Staff recommendation will be presented to the Commission in tabular form by tag type, and zone/unit.

Nonresident Participation Total Limits-- Staff recommends the Commission continue the sliding scale percentages limits developed for the 2021 and 2022 seasons and apply them to the average hunter participation estimated for the previous five-year period (2017-2021) to set nonresident limits for the 2023 and 2024 nonresident elk tags in uncapped elk zone A and B tag hunts and nonresident regular deer tags and nonresident white-tailed deer tags by Game Management Unit.

Each nonresident regular deer tag and each nonresident white-tailed deer tag would be valid only in one game management unit. Resident regular and white-tailed deer tags would still be valid in all units with an open hunt for that tag type.

The proposed sliding scale for the total non-resident participation limit is summarized as follows:
• In uncapped elk zone A and B tag hunts and deer units with nonresident participation of ≥15% during the 5-year period 2015-2019, nonresident tags would be limited at 15% of the average number of hunters during the 5-year period 2017-2021.

• In uncapped elk zone A and B tag hunts and deer units with nonresident participation of <15% during the 5-year period 2015-2019, nonresident tags would be limited at 10% of the average number of hunters during the 5-year period 2017-2021.

• Exceptions for regular and white-tailed deer tags in backcountry game management units 7, 9, 10, 12, 16A, 17, 19, 19A, 20, 20A, 26, and 27: nonresident tags would be limited at the same % applicable to these units for the 5-year period 2015-2019, and that % would be applied to the average number of hunters in the 5-year period 2017-2021.

Allocated (Outfitted Hunters) and Non-Allocated (Over-the-Counter) Tags

Consistent with temporary rule, staff recommends allocation of tags reserved for use by outfitted hunters as the higher outfitted tag use number from that reported to IOGLB for 2020 and that recorded via the IDFG licensing system for 2021.

Staff recommends non-allocated nonresident tag numbers be determined as the number of tags remaining after deduction of allocated tag numbers from the total nonresident participation limit set by uncapped elk zone or deer unit for the respective tag type.

Sample Motion: I move that the Commission adopt the limits for total nonresident participation for 2023 and 2024 for the elk zones and deer units limited for nonresidents only, as presented by staff in the summary tables now before us; and that the Commission allocate tags for outfitted hunter use and set non-allocated tag limits for 2023 as presented in these tables and as authorized by temporary rule previously adopted by the Commission.