

**Meeting Date:** August 23, 2018

**Agenda Item No. 8**

**Agenda Item:** Outfitter Allocation Rule (IOGLB)

**Bureau Chief Approval:**

**Prepared by:** Susan Knappek

**Background:**

In 1998, the Idaho Department of Fish and Game began allocating deer and elk tags to outfitters. The Outfitters and Guides Licensing Board distributes vouchers to outfitters qualified for allocated tags. The Licensing Board created a policy to distribute tags.

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

IDAPA 13.01.04.505 and 13.01.04.506 establish the allocation of deer and elk tags in capped zones in general hunts and controlled hunts and the allocation of tags to outfitters for sale to persons who have entered into an agreement to use the services of a licensed outfitter.

DEER AND ELK TAG ALLOCATION.

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

**01. Allocation of Tags for Capped General Hunt Units of Zones.**

Pursuant to Section 36-408, Idaho Code, 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. (3-28-18)

**a.** 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. (3-25-13)

**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)

**02. Allocation of Tags for Controlled Hunt Areas.** The commission may set a nonresident tag limit for any controlled hunt area, including an area where tags available to residents are unlimited. The Commission may only allocate outfitter tags in controlled hunt areas with historic licensed deer and/or elk outfitted area(s). Hunt application and eligibility rules will apply to allocated tags in controlled hunts. (3-28-18)

**a.** The number of outfitter allocated tags will be in addition to the number of tags authorized by the Commission within each controlled hunt area with historic licensed deer and/or elk outfitter areas. (3-28-18)

**b.** Prior to submitting an application for an outfitter allocated controlled hunt, the applicant must have a written agreement with an outfitter licensed in the hunt area. Successful applicants of an outfitter allocated controlled hunt must hunt with an outfitter licensed for the hunt area. The outfitter must purchase the successful applicant's controlled hunt tag by August 20. (4-7-11)

**c.** Successful applicants who do not want to participate in the outfitted hunt can decline the hunt upon written notification to the Department. Those declining the hunt will then be eligible to participate in a general season or leftover controlled hunt. Those drawing an outfitted controlled hunt and then declining the controlled hunt will be subject to the appropriate waiting period. (5-3-03)

**d.** Successful applicants that do not secure the services of an Idaho licensed outfitter and have not purchased the controlled hunt tag by August 20 will forfeit the opportunity to purchase a controlled hunt tag. The forfeited controlled hunt tag will then be listed as a leftover controlled hunt tag. The Department will inform the Idaho Outfitters and Guides Board that a leftover controlled hunt tag is available. After securing a client, the outfitter(s) may then purchase the leftover controlled hunt tag at a Department regional or headquarters office. (4-7-11)

**e.** The number of outfitter allocated tag(s) will be determined by using one (1) of the following options: (3-28-18)

i. No less than one (1) tag and no more than three percent (3%) of the total tags; or (3-28-18)

ii. A number based on the average historic use during the previous five (5) year period to be rounded up when a decimal equals or exceeds zero point six (0.6) and rounded down when a decimal is less than zero point six (0.6); or (3-28-18)

iii. An unlimited number of allocated tags or a number of allocated tags based on historic use as alternatives only for controlled hunt areas with limited nonresident tags and unlimited resident tags; or (3-28-18)

iv. No tags will be allocated. (7-1-99)

## **506. DEER AND ELK OUTFITTER ALLOCATED TAG.**

**01. Allocated Tags.** Deer and elk tags shall annually be allocated for sale to persons who have entered into a signed agreement to utilize the services of an outfitter who is licensed in that zone under Title 36, Chapter 21, Idaho Code. (3-20-04)

**02. Distribution of Allocated Tags.** Allocated tags shall be sold by the Department, as designated by IDAPA 25.01.01, "Rules of Idaho Outfitters and Guides Licensing Board," Section 057, to hunters with signed agreements with licensed outfitters in those zones with a cap on the number of tags sold. In zones where resident and nonresident deer and/or elk tags are issued by lottery, allocated tags will be issued by lottery. Application for the purchase of allocated tags shall be made by the outfitter for the hunter on a form prescribed by the Department. The application shall be accompanied by the appropriate license fees and a certification by the outfitter that the hunter has a signed agreement to hunt with the outfitter making application. (7-1-99)

**03. Designated Buyers.** Purchasers of allocation tags who return their unused tag and a notarized affidavit stating that the tag buyer has not hunted may designate another person to purchase a replacement tag. If the original buyer does not

make a designation, the outfitter may make the designation. The designated buyer must pay the regular fee for the replacement tag. (7-1-99)

**04. Unsold Tags.** Any allocation tags not sold by August 1 of each year shall be sold by the Department through a waiting list methodology. (3-20-04)

**Public Involvement Process:**

The Outfitters and Guides Licensing Board is in the process of Negotiated Rulemaking to have Allocation incorporated in Rule.

**Justification:**

This agenda item is provided for Commission information.

**Staff Recommendation:**

None. This agenda item is for Commission information.