

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 05, 2019

TIME: 1:30pm or Upon Afternoon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Gestrin, Representative(s) Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, Raybould, Erpelding, Rubel, Toone, Mason

**ABSENT/
EXCUSED:** Representative(s) Moyle, Vander Woude, Kauffman

GUESTS: Jeff Bitton, Darl Allred, Deven Jackson, Daniel Butler, Grant Simonds, and Jeremy Pisca, Idaho Outfitters and Guides Association; Benn Brocksome, Idaho Sportsmen's Alliance; Hoby Gartner, Deadline Outfitters; Paul Kline and Sharon Kiefer, Idaho Department of Fish and Game; John Watts, Boulder Creek Outfitters and Scotlyn Ranch Adventures

Chairman Gibbs called the meeting to order at 1:30pm.

MOTION: **Rep. Toone** made a motion to approve the minutes of the February 21, 2019 meeting. **Motion carried by voice vote.**

H 192: **Jeremy Pisca**, Attorney, Risch Pisca, representing the Idaho Outfitters and Guides Association (IOGA) provided a brief background on **H 192**. He stated as a result of the recent rejection of the Idaho Outfitters and Guides Licensing Board's (IOGLB) Temporary Rules for deer and elk tag allocation for hunters using licensed outfitters, the IOGA introduced **H 96**. Several groups identified problems with language in the bill, so after meetings with all interested parties, changes were agreed upon resulting in **H 192**.

Mr. Pisca explained there are two classifications of licenses: in-state, which is a large number, and out-of-state, which is a much smaller number. Within the out-of-state hunting tags is an even smaller category of set-aside tags, which are distributed to the IOGLB for use by outfitters. The IOGLB allocates these set-aside tags following a statutory process which is based on a five year average of historic use for each outfitter. He stated this process has been in place for more than 20 years and outfitters have realized their average cannot go up, but rather it can only go down. As a result, outfitters are being allocated approximately half of the tags they were being allocated at the inception of this process. Mr. Pisca further explained historic use is not the same as actual use by providing the example if a resident hunter gets his own tag and hires an outfitter, the resident hunter's tag is not counted in historic use since that tag did not come from the set-aside pool. He stated **H 192** fixes that by changing the reporting criteria to Idaho Department of Fish and Game to actual use, which includes all tags used with an outfitter. Additionally, **H 192** will record historic use every two years rather than five, which is consistent with the Fish and Game Commission setting big game seasons.

Jeff Bitton, President, Idaho Outfitters and Guides Association, stated the main reason for **H 192** is due to the fact 61% of the allocated tags are no longer being assigned to the original outfitters. This is a result of non-use over the years resulting in the unused tags becoming part of the surplus pool. He stated as businesses improve, it is difficult for those outfitters to access the surplus pool. The loss of those tags reduces the value of their businesses and makes it more difficult for individuals to access a tag to go out with an outfitter. **H 192** would change that scenario and better reflect the public demand for outfitter services. Mr. Bitton stated currently the system doesn't track where the tags are used. He explained there are three zones where a good portion of the tags go but the elk populations have declined so tags go unused, and there are seven capped zones where the elk have migrated so hunters are following the elk, but the data being used for tags hasn't been updated to reflect where the hunters are going.

Mr. Bitton stated in the general hunt, which makes up about half of the hunts in the state, nothing has changed. The only change for resident hunters is now they can utilize allocated tags, at the resident price, providing additional opportunities for resident hunters. He explained some of the provisions in **H 192** include the requirement of signed agreements to verify tags are used by outfitter hunters, and that allocated tags will go up or down in both capped zones and controlled hunts depending on what the last two years of history shows. He added this industry is very fluid and should adjust the number of tags reflecting the elk and deer herd population trends and movement. There will also be a cap on nonresident outfitter tags so that over the years the nonresident tags don't all end up in the outfitter category. Mr. Bitton explained the Department will continue to distribute allocated tags, will record tags through their point of sale system, and the IOGLB will continue to designate how many outfitter tags are allocated to each outfitter based on their historic use. He stated the Department will be able to adjust the number of nonresident tags up or down every two years, which will follow the true use of the tags and will allow the sale of surplus nonresident tags earlier if they are not being used. The Department's point of sale system will record and verify the use of allocated tags and will now include an administrative fee to cover the costs associated with that service. The effect of this bill will be an improved process of how many outfitter tags are allocated and how they're distributed and counted.

Sharon Kiefer, Deputy Director, Idaho Department of Fish and Game, stated **H 192** is responsive to Fish and Game Commission concerns regarding **H 96** and appreciates the work that went into this rewrite. She explained this bill deals with outfitter set-aside and allocated tags. By law, the Commission establishes a nonresident quota of tags and then sets aside a component of the nonresident quota specifically for hunters who have contracted for outfitter services in a general hunt, capped zone, or controlled hunt. Because capped zones and controlled hunts have limited numbers of tags, these are referred to as outfitter allocated tags.

Ms. Kiefer stated **H 192** has three substantive elements, two of which directly relate to the Commission and the Department. The first adds a new option for Commission consideration when establishing outfitter allocation for capped zones and controlled hunts, which will be based on the highest number within each of the last two years of all elk and deer tags held by hunters using the services of an outfitter. This is a new way to allocate that also incorporates the use of personal tags rather than just purchasing an outfitter allocated tag. Using this new allocation could result in an increase in allocated outfitter tags over time particularly if there is business growth from hunters bringing their own tags with outfitter services. To satisfy any increase in the outfitter capped zone or controlled hunt allocations, tags can come from unallocated tags in the outfitter set-aside or from the nonresident capped zone or controlled hunt pools that are not allocated to outfitters. She explained because capped zones and controlled hunts are not designed for an unlimited number of tags, **H 192** also directs if there is a reduction of tags in a

capped zone or a controlled hunt, the reduction will be applied proportionally to all user groups (outfitted, non-outfitted, resident, and nonresident). Additionally, allocation of tags cannot exceed 50% of the nonresident quota for each capped zone or controlled hunt to ensure any growth using this new model does not take away the ability of nonresidents not using outfitter services to access tags for a capped zone or controlled hunt.

Ms. Kiefer stated the second element creates a new role for the Department to provide records that will be used to calculate the outfitter tag use history to include tracking the personal tags hunters acquire on their own and then use in conjunction with outfitter services. She explained because they do not have a mechanism in their license system to link a hunter's tag to the outfitter who provided the service, new programming within their licensing system and additional outfitter reporting will be necessary. As a result, **H 192** adds a \$5.00 administrative fee for issuance of outfitter set-aside, outfitter allocated capped zone, and outfitter allocated controlled hunt tags, and an administrative fee of \$20.00 will be assessed for the recording of the personal tags used with outfitter services linked to the specific outfitter. Ms. Kiefer concluded by stating the Commission has reviewed **H 192** and their position is to monitor the bill.

In response to concerns this could be a way of increasing the nonresident tags, **Ms. Kiefer** stated the set-aside tags are a subset of the nonresident quota and the original total number of tags has not changed in 30 years. She also clarified a general hunter cannot purchase an outfitter allocated controlled or capped zone hunt tag unless they have a voucher verifying they have hired outfitter services.

Ben Brocksome, Idaho Sportsmen's Alliance; **Darl Allred**, Sawtooth Wilderness Outfitters; **Deven Jackson**, Pioneer Outfitters; **Daniel Butler**, Spring Cove Ranch and Outfitters; **Hoby Gartner**, Deadline Outfitters; **Grant Simonds**, Idaho Outfitters and Guides Association; and **John Watts**, Boulder Creek Outfitters and Scotlyn Ranch Adventures all spoke **in support** of **H 192** because the new process will better reflect the current trends, all uses will be counted, and the new process will allow both new and established outfitter businesses to grow.

Roger Hales, Legal Counsel, Idaho Outfitters and Guides Licensing Board, stated there hasn't been a Board meeting since the introduction of **H 96** or **H 192**, so they cannot take a position. If this bill becomes law they will do their best to make it work.

Chairman Gibbs requested the record reflect nobody came forward to testify **in opposition** to **H 192**.

MOTION: **Rep. Lickley** made a motion to send **H 192** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:30pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary