



## Issuing LAPs versus Options to Limit Depredation by Deer, Elk and Antelope

by George Dovel

In Bulletin No. 13 we discussed 3,196 Landowner Appreciation Permits (LAPs) that were made available in 2005 to Idaho farmers, ranchers and others who own at least 640 acres in controlled hunt (CH) units. These permits were allegedly intended to reward the landowner who supports deer, elk or antelope on his property by allowing him to hunt a single animal without having to pay license, tag and permit fees and compete in a CH drawing.

### A Money Making Venture

Instead, the more than one-third of permits that are for bucks and bulls are eagerly sought by landowners because they can be given to wealthy hunters in return for paying a so-called “trespass fee” as high as several thousand dollars for a single hunt. Landowners who own less than 640 acres insist they should also be receiving these money making permits and most F&G Commissioners agree.

They propose issuing more LAPs to both large and small landowners and allowing them to sell the permits outright rather than charge a trespass fee. Because the permits cover entire units, this would allow several thousand more hunters to buy a coveted permit without being forced to compete in a drawing or be limited to a brief hunt on private land, which may have very little game.

Landowner permits from the few states that allow them to be sold are regularly offered for sale on the internet by businesses that charge a commission for advertising and brokering the sale. A permit to kill a doe or fawn in a hunt with limited success may bring only a few hundred dollars.

But permits to kill a buck or bull, especially during the rut or in a late season, sell for several thousand dollars each. Many offer an optional guided hunt for a couple thousand dollars more and some outfitters who own or lease lands with these permits offer trophy landowner hunts with the permit included for as high as \$20,000 each.

### Economics – Not Fairness

Guaranteeing large landowners the opportunity to hunt on land they own may sound fair. But is it really fair to deny other residents/landowners in the same CH unit an equal chance to harvest the game they own?

The primary reason the 12-member F&G Advisory Committee recommended issuing the LAPs only to “large” landowners reportedly involved economics more than “fairness”. Larger farms and ranches have the potential for damage claims that exceed the \$1,000 minimum but those who accept an LAP must agree not to file damage claims.

### Depredation and Idaho Law

Large numbers of big game animals can have a significant impact on private sheep and cattle pastures as well as on hay and grain or other crops. But before landowners may seek compensation it is their responsibility to take all reasonable steps to mitigate that damage, including reporting depredation to IDFG.

Then it becomes F&G’s responsibility to either stop the depredation or pay damage claims to the landowners. That sounds pretty simple but it isn’t.

The methods used to halt depredation include: (a) providing materials for “elk-proof” fencing around stored crops or even entire fields; (b) extending general seasons so hunters can reduce the number of animals; (c) feeding the animals before they reach private lands or using hay to lure them away from private lands after they arrive; (d) trapping and transplanting some of the animals or granting the landowner permission to control or trap them; and (e) scheduling a special depredation hunt and allowing hunters to kill the animals.

Elk-proof fencing is costly and normally moves the animals to neighboring private property where they will continue to cause damage. Although preventative feeding is regularly accomplished in Oregon, Washington and Wyoming during winter to prevent damage to farms and ranches, it is generally considered a last resort in Idaho.

Efforts to trap and transplant animals when they are stressed often result in heavy losses and adverse reaction from landowners, hunters and the general public. Depredation hunts normally involve scheduling a late hunt on private lands, with a large group of hunters surrounding the stressed animals, ignoring the concept of “fair chase.”

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Many landowners object to the “mass slaughter” scenario in depredation hunts, which often results in indiscriminate wounding of animals that are never recovered. Although there are some exceptions, neither depredation hunts nor baiting and trapping are allowed by most landowners.

### **Why Did F&G Support LAPs?**

Preventing depredation is a mandatory priority with IDFG (see I.C. Sec. 36-1108[a]) and can be especially costly on larger acreages. If prevention efforts fail and the landowner allowed hunter access that did not impact his operations in the previous hunting season, F&G must then pay compensation claims.

F&G supported the Advisory Committee’s original recommendation to create LAPs because it relieved the Department of both the responsibility and the costs of preventing depredation and paying damage claims to those landowners who receive a permit. Providing the LAPs to landowners may also have improved relations between F&G Landowner-Sportsman Coordinators and landowners.

There were numerous complaints from landowners concerning the alleged failure of IDFG to properly address elk depredation reports. Additional complaints focused on the difficulty in settling claims for crop damage and many landowners felt the \$1,000 deductible was too high and refused to provide the required access to hunters to qualify for compensation.

### **Landowners Deny Hunters Access**

By the early 1990s, elk populations on the west side of Unit 39 in Boise County had expanded to a point where several landowners began to file depredation complaints. However the larger landowners refused to allow hunter access and the herds continued to grow despite an increase in antlerless permit hunts.

A scheduled depredation hunt had only limited success because most of the landowners continued to prohibit hunting on their land. I.C. Sec. 36-106(e)6(E) allows landowners to receive up to 50% of the permits in a depredation hunt but all of the other hunters must be given equal access to all public and private property.

It is also unlawful for a landowner to receive any form of compensation from a hunter using a depredation permit. Most of the larger landowners refused to allow “outside” hunters on their land so IDFG invited the 33 landowners who owned 160 or more acres in the area to a meeting to explain a new plan to reduce elk numbers.

### **Landowner Permission Hunts**

In 1996, 200 permission slips were divided among the 33 landowners and used to designate who was allowed to hunt on each one’s land in a five-month-long antlerless elk season. Hunters who obtained a slip were allowed to hunt cow or calf elk on accessible public land in the hunt area, but still could not hunt on any parcel of private land unless they first obtained permission from the owner.

With the exception of three weeks set aside for archers in late Nov. - early Dec., the any-weapon antlerless elk hunt extends from Aug. 1, through Dec. 31. F&G treats the hunt as a limited controlled hunt and initially required hunters to pay both a CH application fee\* and a CH permit fee in addition to their hunting license and elk tag fees. (\*The application fee was not appropriate and is no longer charged.)

F&G provides the names and contact information of all landowners who receive permission slips so hunters can contact them to obtain one. But more than 95% of the private land remains closed to the hunters with permission slips and most of the elk are harvested by landowners and their employees, relatives, friends or business associates.

Although elk numbers were reduced in Unit 39, F&G increased the number of Unit 39 permits to 600 in 2000 and part of Unit 32 was added to the hunt. Hunters who were excited at the prospect of being allowed to hunt a cow elk for 153 consecutive days soon learned there was a poor chance to harvest one using lawful methods.

With record snow depths in December 2001, dozens of hunters on snow machines traveled the network of Forest Service roads in the Unit 39 hunt area and killed cows and calves that were belly deep in the snow with no way to escape. Overall kill success in the Unit 32/39 hunt jumped to 52% and IDFG increased the number of available permits for the two units from 600 to 1000.

Despite a 48% increase in the number of hunters in the two units in 2002 the elk harvest dropped by 39%. With no access to the private land and no deep snow in the latter part of the season, the hunters drove by small bunches of elk on posted private property daily yet went home empty handed.

A local hunter who drove his 4-wheeler across private land trying to access some elk was fined and lost his hunting and fishing privileges. Most local landowners complain that the elk herd has been severely reduced and relations between hunters and landowners in the area have deteriorated.

### **Hunters Say Permission Hunts Unfair**

Hunters argue that landowners who do not allow the general public to hunt on their land should not be given a hunting season – especially one that lasts for five months. Landowners point out they have the legal right to determine who hunts on their private property and say the hunts are fair compensation for damage caused by game.

Despite the 400 permits that were available in the separate Unit 32 hunt in 2004, hunters, including landowners, bought only 23 permits and killed only a single cow and calf. But a new Landowner Permission Hunt with 400 permits in Unit 31, resulted in a reported kill of 54 cows and one calf by 154 hunters.

Because landowners determine who gets a permit, they have an incentive to sell antlerless elk hunts in the same manner they now sell antlered LAP hunts. Several

landowners in the Unit 39 hunt admit receiving money or services in exchange for issuing a permission slip to hunters, including those hunters who will only use the permit to hunt on public lands.

#### **Long Seasons Create More Problems**

Setting an elk or deer season from August through December insures that the animals will be hunted during periods when they are most vulnerable. These include the middle of summer before any hunters have been in the field, the entire elk and deer rut, and late fall and early winter when the animals normally become less active to conserve body fat for winter survival.

In the Unit 39 Landowner Permission Hunt (LPH) several landowners prohibit access across their property to much of the public land in the hunt. The few parcels of public land that are accessible to hunters all season are heavily hunted with limited success.

With almost daily harassment from hunters, the animals become abnormally wary and stressed. This scenario results in hunters attempting marginal shots they would normally pass up, and in more animals with inadequate fat reserves to survive even a moderately severe winter.

#### **A New Landowner Permission Hunt For Deer**

In 2005 the F&G Commission approved a new LPH in the Salmon Region for antlerless mule deer or white-tailed deer. The hunt, which runs from Sept. 1 - Dec. 31 with 100 permits, is limited to juvenile hunters using short-range weapons.

A shortage of mule deer in the Salmon Region prompted former Commissioner John Burns to stop all antlerless mule deer hunting in the Region in 2003 and 2004. His replacement, former IDFG Salmon Region Supervisor Gary Power, restored Aug. 30-Sept. 30 either-sex general archery seasons for mule deer in 2005 and added the youth antlerless Landowner Permission Hunt,

The hunt is different from the elk Permission Hunts in that it purports to address a depredation problem, yet includes all of the Region's units except the two units along the Middle Fork of the Salmon River. The fact that it does not address a specific deer depredation problem became apparent when the Region issued a September 12, 2005 News Release urging landowners to give youngsters permission to hunt does on their land.

With two mild winters and three ideal spring-summer seasons for fawn production since the 2001-2002 winter, the statewide deer harvest increased slightly in 2004. However the Salmon Region total mule deer harvest in the 10 units remained below the 2002 harvest.

#### **Access Yes! and Superhunts**

The adversarial relationship that existed between IDFG and its traditional support groups and Idaho's agricultural community has been partly responsible for the large amount of private land that is no longer available to hunters. In 1999, Idaho Wildlife Federation President Jack

Fisher proposed a meeting with Idaho ranchers in an effort to resolve their differences and restore public access to private lands.

A short time later, IWF and two of its affiliates joined environmental activist John Marvel in an effort to reduce livestock grazing on BLM lands in Owyhee County. IWF also "came out of the closet" and announced its support for the National Wildlife Federation wolf recovery plan for Idaho, which most ranchers and hunters oppose.

With limited success finding common ground with ranchers, Fisher and IWF joined with F&G officials to promote a plan to purchase sportsman access from farmers and ranchers. The proposal, called "Access Yes!," was presented to the F&G Commission and they adopted it after IDFG Director Huffaker said F&G had "found" money to fund it for the first year.

In 2003 IDFG acquired hunter access rights for 107,000 acres of private land and spent \$117,000 on the program. This is about half of the average cost per acre of hunting leases in other states and at least some of the properties previously allowed hunter access.

A F&G survey of a limited number of sportsmen revealed strong opposition to further use of license fees or selling special privilege auction tags to fund Access Yes! Funding from the sale of lottery tags, similar to the 10 "Supertags" first awarded in 1999 as a prize for filing harvest reports early, was the second most popular of the limited funding choices and it was adopted along with "receiving donations".

In 2004 the number of "Supertag" special privilege hunt permits to be raffled was set at 40. This included 10 each for deer, elk and antelope, two for moose and four in two separate "grand slam" hunts allowing the two winners to hunt for all four species in any open hunt.

In 2004 only a single deer "Superhunt" permit was awarded to a nonresident hunter. In 2005 Nonresidents began purchasing multiple chances and received 20% of the elk permits, 30% of the deer permits and one of the two sets of four permits to hunt multiple species.

Critics of Access Yes! argue that placing a dollar value on hunter access to private land has encouraged other landowners to close their lands to hunters who do not offer them a similar fee to hunt. Unlike most other states that compensate landowners for providing public access, Idaho's Access Yes! program offers no incentive for landowners to provide improved habitat or take other measures to maintain healthy game populations on their property.

The Idaho Fish and Game Commission is trying to duplicate the landowner preference system and limited premium hunt system used by Colorado, New Mexico and Utah. To learn how these systems affect resident hunters and big game populations read "The Impact of Selling Premium Hunt Permits and Landowner Permits in Other States" beginning on page 4.

# The Impact of Selling Premium Hunt Permits and Landowner Permits in Other States

(For Idahoans who are interested in preserving our heritage of harvesting wild game for present and future generations, the information in this article is very important. The impact on resident hunters and big game harvests in states that have allowed landowners and others to sell premium hunt permits for inflated dollar amounts is compared with the impact in other western states that chose not to allow these money-raising schemes. – ED.)

## Colorado

As reported in Bulletin No. 13, Colorado was the first western state to trade responsible deer management for a scheme to increase revenue from nonresident hunters. It increased the number of nonresident elk hunters by several hundred percent and sacrificed its famous mule deer herd by allowing hunters to hunt both sexes of deer and elk at the same time in one of three stratified seasons separated by several days.

Colorado was also the first western state to provide Premium Hunt Permits to landowners and the first to allow them to sell most of these special privilege permits to the highest bidder. The program called "Ranching For Wildlife" (RFW) was implemented 20 years ago as an incentive to owners of large ranches to manage big game populations on their lands so as to provide a sustained annual yield of game.

The program was refined to require a minimum of 12,000 contiguous acres to qualify but smaller landowners can band together and qualify as a single entity. Following a three-year probationary period, all contracts between the Colorado Division of Wildlife (CDOW) and the ranches are for a minimum of eight years.

There are currently 26 ranches in the program and the species available to hunters in limited drawings include elk, deer, antelope, bear, turkey, moose and bighorn sheep. The number of licenses on these ranches is negotiated based on the amount of game available, whether or not habitat and other improvements will be part of the plan, and other factors including the risk of land development for non-wildlife uses.

These long-term management plans include a harvest objective for male and female animals of each species. The ranchers are provided with 90 consecutive days of hunting season and can offer rifle hunters who are willing to pay the price a trophy hunt during the rut for any of the big game species.

### Residents Get Few Buck or Bull Tags

Currently landowners receive 15 percent off the top of the big game preferred tag quota, resident hunters receive 51%, and nonresidents receive 34%. That is a

60:40 split between residents and nonresidents but residents receive only 10% of the hard-to-draw RFW tags for male animals in a public drawing while nonresidents buy 90% of them from the landowner.

RFW ranches schedule all hunts during the 90 days for both private and public draw hunters. But the single 10-day or split 5-day deer and elk season they set for residents who draw a permit is never in the choice periods.

Since last fall landowners have been lobbying the Commission and the legislature to receive a bigger slice of the pie, up to 25% of the coveted permits in some areas, and residents have staged a full-scale rebellion. They have charged landowners with failure to meet agreed upon harvest objectives and other criteria, and CDOW declared a moratorium on new RFW enrollments.

The following chart shows the most recent five-year average annual harvest of elk and deer for the 22 ranches, comprising about a million acres that participated in the program:

### Colorado RFW Harvest Objectives & Actual Harvests

<u>Species &amp; Sex</u>	<u>Harvest Objective</u>	<u>Average Harvest</u>	<u>% + or - Objective</u>
Bull Elk	870	1076	+24%
Cow Elk	1206	1077	-11%
Buck Deer	856	457	-47%
Doe Deer	402	276	-31%

### Deer Harvests Remain Poor

Landowners in the RFW program manage for older bulls and bucks and the harvests reflect the current abundance of elk and scarcity of deer in Colorado. As is happening in Idaho and most other western states, Colorado continues to exploit its deer by killing off too many does that would have produced more bucks - with some doe seasons lasting as long as 153 days.

Colorado limits most rifle combined deer and elk hunts to three stratified seasons for both species lasting from 5-9 days each, plus an additional 5-day separate season for each species. But as in Idaho, other deer seasons exist from August 27 through Dec. 14.

Although Colorado currently publishes information claiming a deer population exceeding half a million and an annual harvest of 50,000-80,000, the estimated annual deer harvest reported by CDOW for the past six years has averaged only 35,767 animals! This included an average of 8,075 does and fawns and represents only one deer killed for every three square miles of deer habitat.

### What Happened To Colorado Deer

The following chart and explanation illustrates the radical decline in Colorado deer harvests since the early 1990s despite a plan that was supposed to maintain 700,000 deer with an annual harvest of 50,000-80,000:

**Average Annual Colorado Deer Harvests**

<u>Years</u>	<u>Bucks</u>	<u>Does</u>	<u>Fawns</u>	<u>Total</u>	<u>Hunters</u>
1960s (9 yrs)	54082	43447	12722	110251	185411
1990*	59012	29388	2090	90490	220000
<b>1999-2004</b>	27691	7452	623	<b>35766</b>	83213

\*In 1993 Colorado research biologists used computer modeling to create a plan for deer management based on harvest information from the 1960s and 1990. They planned to reduce the 1990 buck deer rifle harvest by 10,000 (to a total any-weapon harvest of 49,000) while increasing the doe harvest to no more than 80% of the buck harvest (39,200) for a maximum sustained deer harvest of 88,200.

According to their model this would increase the post season buck-to-doe ratio from 20 bucks-per-100 does to 30 bucks-per-100 does and maintain a reasonable number of mature bucks in the herd. They recommended leaving the 3-point antler harvest minimum in place and shortening the four rifle seasons to five days each to accomplish this.

But a majority of biologists opposed the successful 3-point restriction already in place and chose to cap the number of rifle hunters by 19%-39%. With this volume of hunters and less than 40% harvest success, hunter reductions of less than 50% at one time always increase harvest success rates but sometimes also increase the total harvest slightly by disturbing the animals less, making them less wary and easier to harvest.

The marked decline in Colorado deer harvests since 1990 illustrates once again that limiting hunting seasons to periods when game is less vulnerable – not reducing the number of hunters – is the key to regulating harvests.

Colorado went from a single combined 21-day deer and elk rifle season from Oct. 17-Nov.6 through 1970, to three combined deer and elk rifle seasons in 1986 - with minimum antler point restrictions on bucks and bulls. The stratified seasons had no biological justification but were implemented to appease resident hunters when Colorado invited 200,000 more nonresidents to hunt elk.

This gave Colorado families a chance to take a hunting vacation for both deer and elk with the opportunity to kill either a male or a female of each species. It also distributed fewer than 100,000 hunters at any one time over 66 million acres of hunting territory.

When the antler point restriction was dropped for deer, killing the yearlings increased the buck kill for awhile. But with fewer replacement yearlings and fewer does to provide them, the buck harvest began to decline.

### Elk Antler Point Restriction Remains

However the 4-point or single-brow-tine minimum requirement for harvesting a bull elk has remained for 20 years in 97 of the game management units. This regulation

allows 2-1/2 year-old bulls to be harvested but prevents the harvest of yearlings (normally spikes).

It allows all branch antlered bulls to be killed and once most of the older bulls are harvested or die, 2-3 year olds make up the bulk of the bull harvest. Although conception rates from 2-1/2 year old bulls are not as high as with more mature bulls, they are far better than the rates when mostly yearlings are left to accomplish breeding.

By not allowing more spikes to be killed and also regulating antlerless harvests, Colorado has achieved higher than normal “branch antlered” bull harvest in most units but very limited harvest of older bulls. The few units with no antler point restriction, including all RFW hunts, are considered trophy units with limited bull harvest.

### Colorado Elk Harvest Sets New Record

The eventual result of antler point minimums and limiting cow harvest, plus several years of optimum calf production, was thousands more antlerless permits being issued in 2004 and 2005 to reduce elk numbers. In 2004, the nonresident cow elk tag fee was reduced to \$250 and some hunters were allowed to kill both a bull and a cow.

In 2004, 251,557 hunters killed a record 63,336 elk for a kill success rate of 25% per tag purchased. Of these, 27,795 were bulls and 35,541 were cows or calves.

In 2005 CDOW is offering 145,000 additional elk licenses with the ability to harvest one bull and two cows in some instances. But Colorado hunters are angrily insisting they be allowed to harvest more of the male animals, with nonresidents and ranchers getting fewer tags.

### Residents Demand Changes

Following a series of public meetings, with residents demanding a one-third increase in the number of permits they receive, DOW appointed an advisory committee composed of the various interest groups to recommend changes to the program. When the committee recommended a smaller increase than residents wanted and a larger landowner increase than landowners were seeking, angry sportsmen threatened to scuttle the program unless their demands were met.

CDOW then made 11 recommendations to the Commission agreeing with sportsmen’s demands and, on September 8, 2005, the Commission voted to adopt seven of those. It rejected RFW ranchers’ demands for more permits and reduced the number of permits that can be sold privately from 90% to 80% until ranches improve habitat and enhance game populations.

To remain in the RFW program, ranches must now meet four mandatory requirements: improve habitat, maintain high *public* hunter satisfaction, maintain high hunter success rates, and assist the DOW with meeting big game herd objectives. But the Commission stopped short of changing the resident-to-nonresident permit ratio from 60:40 to 80:20 until it conducts a workshop on October 4, 2005 to decide if the change is “feasible”.

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### **Other Landowner-Hunter Issues**

Colorado also offers Landowner License Preference permits to landowners with 160 or more contiguous acres of property. As with Idaho's LAP permits, the Colorado permits cover the entire hunting unit, not just the private land, and the landowner can designate who gets the permit and collect a fee.

There are unlimited archery and rifle elk hunts restricted to seasons outside of the rut in most of the units. But all deer hunting is limited to controlled hunt drawings, except for wealthy nonresidents who can afford to buy a hunt permit.

Thousands of "Private Land Only" (PLO) licenses similar to Idaho's Landowner Permission Hunt tags are sold to residents who must first obtain permission to hunt on private land. Under existing law a landowner is not eligible for game damage payments if he charges a single hunter more than \$100 for access (trespass fee).

Both the Committee and CDOW recommended that the law be changed to allow landowners to charge each hunter up to \$500 for access and still be eligible to collect depredation damage payments from CDOW. Currently if a voucher (permit) is sold to a hunter and he or she does not hunt on that specific land it does not affect the game damage payment eligibility regardless of the price charged.

### **Nonresident Hunters Fund CDOW**

On average, nonresidents pay about fifteen times as much as Colorado residents for comparable licenses and they provided the lion's share of CDOW's **\$65,256,005 license sale income** in 2004. Increasing the number of nonresident hunters by several hundred percent has supported expanded CDOW programs for two decades and cutting the number of nonresidents now would result in serious cutbacks in most programs.

The generation of Colorado hunters who are now in their 20s and 30s have grown up with limited controlled hunt drawings, stratified seasons, and landowners being allowed to set seasons and manage game on private lands. Instead of demanding a return to biologically defensible deer and elk seasons, they are fighting with landowners, outfitters and nonresidents for a bigger slice of the limited controlled hunt pie.

Many have given up deer hunting rather than wait five or more years to accumulate enough preference points for a reasonable chance to hunt and harvest a buck. Others are trying to get a workable private land access program like those in Montana and Wyoming but are having difficulty overcoming the existing commercialization of Colorado wildlife.

### **New Mexico**

Recently, Idaho F&G Commissioners mentioned New Mexico's landowner permit system as an example of a "fair" system but failed to discuss its impact on wild game and hunters. Because New Mexico is our fifth

largest state, yet has a population density slightly lower than Idaho, it might be expected to produce big game harvests comparable to other western states.

### **"Spenny" Hunt Permits - Poor Drawing Odds**

The best chance to kill a trophy mule deer or elk in the West can be found on the 850,000-acre Jicarillo Apache Reservation in the northwest part of the state. Fees vary from \$4,750 to \$8,000 for a basic 5-day bull elk hunt permit, which does not include meals, lodging or the mandatory guide fee which will run \$200-\$500 per day.

Harvested bulls scoring 340 or more points also require payment of a trophy fee ranging from \$1,500 to \$5,000. Two- or three- day cow elk hunts are \$500 or \$600 plus guide charges.

All elk hunt permits are by random drawing and five 7-day mule deer buck hunts are also available by random drawing for \$12,000 per hunter. Two 30-day mule deer buck hunts are auctioned for a minimum bid of \$30,000 each and Reservation hunts are normally conducted from four-wheel-drive vehicles.

### **Cheaper Elk Hunting But Still Poor Draw Odds**

Elk hunting on the 89,000-acre Valles Caldera Preserve is cheaper but the odds of drawing a permit are also very poor. Applicants for the Preserve elk hunts are allowed to purchase up to 20 chances for each hunt.

In 2005, 2642 applicants purchased 8040 chances to draw 253 permits. These included 180 antlerless permits, 47 mature bull permits and 26 either-sex permits for an elk population estimated at 2,500 to 3,500.

This reflects *average* draw odds of only 1-in-32 per chance purchased but the odds of drawing a bull permit were even worse. No camping is allowed on the facility but public campgrounds are still open in the early part of the Sept. 3 to Nov. 21 hunting season, which is split into three- or five-day hunts.

The 33,000-acre NRA Whittington Center offers drawings for 5-day bull hunts from Sept. 1 through Dec. 14, and two 5-day antlerless hunts in Oct. and Dec. It also offers a drawing for 5-day buck hunts, but not B&C trophies, on Nov. 5-9.

The bull hunts are guided and cost \$8,000 per person including the cost of the landowner voucher. The buck hunts are also guided and cost \$3,450 each for two people, including the landowner voucher.

Successful applicants for the unguided antlerless hunts must pay a non-refundable service fee of \$300. They also must provide their own transportation and can rent rooms with cooking facilities.

The Valles Caldera Preserve and Whittington Center conduct their own drawings of landowner vouchers provided by the New Mexico Department of Game and Fish (NMDGF). Along with the Jicarillo Apache Reservation, these are the New Mexico private land hunts that are most frequently recommended as offering the best opportunity for harvest at a reasonable price.

Examples of other “low-priced” New Mexico private land hunts that are advertised include the following:

(1.) Private Land Elk Hunts (Bow or Rifle) \$5500 State License Fee Included. Any 5 consecutive days between Oct. 2 and Dec. 31. Mule Deer (Rifle) \$3000, 5 Days: Oct. 29, - Nov. 2; Nov. 5-9, Nov. 12-16.

(2.) Two elk rifle vouchers available in southern New Mexico; The hunt takes place on agricultural land in Unit 34. A guided hunt is \$6,500 for up to five days, and that includes the \$4,000 voucher but not the state elk tag. Lodging is not included unless you want to stay in an old trailer on the property. Meals are not included. Most hunters in the past have opted to stay in small, inexpensive cabins and eat in local cafes.

**The Same Old Story**

As happened in Colorado, NMDGF began to emphasize expensive bull elk hunts to nonresidents who would pay big dollars for a place to hunt with a reasonable chance to harvest a “trophy”. And, like Colorado, New Mexico switched to controlled hunts with stratified seasons, giving private land hunt vouchers to landowners and allowing them to set the seasons, sell the vouchers and completely regulate hunting on private land.

Like Idaho, NMDGF added more bonus controlled hunts in an effort to please various hunting groups and ignored the mule deer decline that began in the 1980s. While the Jicarrillo Apaches shut down all mule deer hunting for three full years, NMDGF mistakenly depended on limiting hunters to stop the decline.

In 2005, all New Mexico deer permits are limited draw controlled hunts (CH) divided into two classes: The less desirable CH are called “Deer Standard Hunts” (“S”) and permits cost nonresidents \$190. The more desirable hunts with at least a fair chance to harvest a deer are called “Deer Quality Hunts” (“Q”) and NR permits cost \$310.

Also beginning in 2005, NMDGF implemented a 3-point antler minimum for all deer harvest. The following statewide harvest report provided by NMDGF for 1999 through 2003 reflects a significant decline both in hunters and in the number of deer harvested:

**New Mexico Deer Harvests From 1999-2003**

Year	Number of Hunters	Harvest	Hunter Success
1999-2000	65,903	15,444	23.4%
2000-2001	53,586	14,027	26.2%
2001-2002	49,507	11,185	22.6%
2002-2003	48,396	9,066	18.7%
2003-2004	41,365	8,627	20.9%

Of the 51,593 hunters who applied for deer permits in 2005, 32,584 were successful. However no one applied for more than 6,000 public deer permits with limited

opportunity for harvest and on August 5, 2005, NMDGF issued a news release encouraging hunters to call and reserve the leftover permits before the hunting seasons began.

**Hunters Demand Fair Voucher Distribution**

The following chart provided by NMDGF reports the estimated 2003-2004 deer harvest by weapon type with percent of success for each weapon. The total 2003 deer harvest in New Mexico averaged only one deer killed by hunters for every 15 square miles of land area.

**2003-2004 Deer Harvest in New Mexico**

Weapon	Hunters	Harvest	Success
Archery	4,400	600	13.6%
Centerfire	32,100	6,800	21.2%
Muzzleloader	5,100	1,200	23.5%
Total est.*	41,365	8,627	20.9%

(\*Slightly different from rounded weapon-type estimates)

In 22 meetings with NMDGF during June, July and August 2005, New Mexico big game hunters have been insisting on changes in the allocation of landowner big game vouchers and describing landowners’ alleged failure to comply with requirements to receive the vouchers. On September 21, 2005 the New Mexico G&F Commission is scheduled to review new draft rules prepared by G&F in an effort to address the hunter concerns.

**Utah**

The Idaho F&G Commission proposal to increase the number of LAP CH permits and legalize their sale by landowners has been compared to Utah’s auction tags and landowner tags. Critics call these tags “wealth tags” and charge that the commercialization of wildlife management in Utah provides extra hunting opportunity to the wealthy while forcing the average hunter to wait for years to get a chance to hunt.

Sportsmen For Fish and Wildlife-Utah founder, Don Peay, who is largely responsible for changes in Utah’s big game management during the last 12 years, defends the use of controlled hunts and selling permits to the highest bidder. In the quarterly SFW publication “Sportsmen’s Voice,” he provides information on the beneficial effect of predator control in the Premium Limited Entry units and several of the Limited Entry units.

**Limited Entry Hunting Units**

For the benefit of those who do not read The Outdoorsman carefully every month, those are the units where the number of deer and other big game permits are strictly limited. Half of the permits are given to SFW, FNAWS and similar groups to auction to wealthy nonresident hunters and the other half are offered in a limited drawing to resident and nonresident sportsmen.

*continued on page 8*



Peay also publishes statistics of large expenditures for habitat improvement in Utah, including several million dollars appropriated by the Utah legislature. Photographs of bucks and bulls with large racks that were killed on public land hunts in Utah are provided as evidence that the habitat improvements, partially funded by proceeds from the auction tags, are producing more bucks and bulls for the average Utah hunter to harvest.



Large bull elk reported taken in Utah. Photo provided by Shawn Labrum of Wild Mountain Outfitters to Don Peay who sent it to SFW members.

When Peay forwarded this photo to SFW members he included the following comment:

“Major habitat funding and having a management system in place that allow older age class bulls are the two keys to producing great animals year in and year out. Nearly every elk unit is producing Book or near Book Bulls.”

**Landowner CWMU Tags**

Peay did not indicate that the bull was killed on a public land hunt and Wild Mountain Outfitters publishes the following information on its website: “Our trophy elk hunts are offered on several private ranches, guaranteed permits and on land owner, conservation, governors tag’s for the best areas in the state.”

Many Utah outfitters own or lease one or several private ranches to hunt on and provide guaranteed landowner “CWMU” tags, for an added fee, to their prospective clients. Like the landowner tags in Colorado and New Mexico, If a ranch is given 20 vouchers, they are allowed to sell 18 for up to several thousand dollars each and only two are allocated to resident hunters in a draw with poor odds.

In a 2003 survey, a major complaint of Utah hunters who were lucky enough to draw a landowner tag was that they were given only two or three days to hunt

during the worst part of a 72-day buck season or 86-day bull season provided to the landowners. In the same 2003 survey some hunters also complained of a lack of game on some ranches, but the landowners (or outfitters) argue that they are expecting too much.

Resident hunters point out that each CH voucher that is given to landowners for sale to nonresidents prevents one resident hunter from being able to hunt in that unit. As in Colorado and New Mexico, most residents surveyed did not object to tags being given to landowners and their families allowing them to hunt on their land instead of having to enter a drawing.

**Utah Bucks Overharvested in 2004**

In 2004, all so-called “general” any-weapon deer seasons began on October 23 and ended either five or nine days later. The five-day seasons were implemented in the southern half of the state to reduce the buck harvest by at least 15% under normal weather conditions, but conditions were not normal.

The ground was covered with snow during the opening weekend and the bucks were forced out of the high country to lower elevations where they were far more vulnerable to hunters. Given the choice, hunters killed more mature bucks than yearlings and the Utah Division of Wildlife (UDOW) reported the deer were over-harvested.

Utah wildlife biologists proposed, and the Wildlife Board approved, a reduction of 1,000 “general season” buck tags in both the Northeastern and Central regions. This represented about a 10% cut in the hunter quotas established in each region in 1994, and reduced the statewide 1994 hunter cap from 97,000 to 95,000 for 2005.

Due to two successive mild winters UDOW biologists believe there are enough yearling bucks to make a “decent” harvest in 2005. But they express concern that some of the units are below their minimum 15-to-100 post-season buck-to-doe ratios and all are well below their population goals.

Meanwhile, despite optimistic deer population projections by some sportsmen, the following 2003 harvest data provided by UDOW reflects the lowest Utah deer harvest in **65 years!**

**2003 Utah Deer Harvests**

Type Season	Harvest	Hunters	Success
General Season	21,316	86,633*	24.6%
Limited Entry Archery	97	184	52.7%
Ltd. Entry Any Weapon	565	663	85.2%
Ltd. Entry Muzzleloader	162	224	72.3%
CWMU Buck	904	1,335	67.7%
CWMU Antlerless	235	200	117.5%
	<u>1,963</u>	<u>2,606</u>	<b>75.3%</b>
Grand Total	23,279	89,239	26.0%

(\*97,086 General Season tags were purchased but the telephone survey estimated only 86,633 tag buyers actually hunted.)



Based on the telephone survey estimates, general season deer hunters who were lucky enough to draw a tag in 2003 still had only one chance in four of killing any kind of deer. By comparison, the 669 resident hunters who drew a limited entry or CWMU buck tag and the 1,737 non-resident hunters who bought one had a 75 percent chance of harvesting a mature buck.

UDOW biologists are aware that reducing the number of hunters by 10% or less in the Northeastern and Central Regions was a political solution – not a biological one. They announced a tentative plan to raise the cap back as it was in 2006 and reduce the seasons in those Regions to five days.

#### Lion Harvest Reduced to Provide Trophies

They admit that this will not accomplish sufficient reduction in buck harvest because 85% of the harvest occurs in the first five days of the nine-day seasons. But correcting the predator-prey imbalance, which resulted in significant increases in deer recruitment in the Limited Entry units, is no longer one of the options being considered for General Season units.

In August, Mammals Program Coordinator Kevin Bunnell announced a change in policy from controlling lions to meet deer and elk population goals, as it has for the past 10 years, to providing more older male lions for fewer hunters to harvest. Beginning in the 2005-06 lion season, hunters who draw a limited number of lion permits and those who buy them for a high price will be provided “a chance for a quality hunt (and) an opportunity to be more selective.”

#### Emphasis on Limited Entry Elk Hunts

Following a decline in bull elk harvests from 7,341 in 1992 to 6,066 in 1993, Utah’s annual bull elk harvest averaged 5,865 until 2002 when it dropped to 4,389. Failure to mitigate winter losses caused both declines and NDOW lowered the cap on available antlerless elk permits from 11,000 to 6,800 in 2004.

For the 2005 season it lowered the cap on “spike-only” permits in the General Season spike units from 19,000 to 11,000 and shortened the spike-only season from 13 days to nine days. This significant reduction in the number of hunters in nearly half of the general season bull elk units was recommended by an advisory committee.

The committee also suggested ways to increase hunter participation and harvest opportunity in the Limited Entry hunts. Besides various agency officials, the advisory committee included a representative from each Regional Advisory Council (RAC), the Rocky Mountain Elk Foundation and Sportsmen for Fish and Wildlife.

The committee recommended lowering the average age criteria for harvested bulls by two years in Limited Entry units to allow more hunters to kill younger bulls. Although this lowered the standard for harvesting trophy bulls, it allowed NDOW to increase the number of Limited Entry bull elk permits from 1,269 to 1,552 in 2005.

The committee also recommended and UDOW approved putting five percent of Limited Entry bull elk permits in the “Premium” Limited Entry category and allowing those who draw or buy a permit to hunt during all three of the Premium seasons. The cost for those who draw the Premium permits was increased to \$280 for Utah residents and \$795 for nonresidents.

The following chart prepared from information provided by UDOW illustrates the limited opportunity for the average Utah elk hunter to harvest a bull:

#### 2003 Utah Bull Elk Harvests

Type Season	Harvest	Hunters	Success
General Season (all)	4,107*	32,040	12.8%
Limited Entry Archery	34	59	57.6%
Ltd. Entry Any Weapon	689	773	89.1%
Ltd. Entry Muzzleloader	93	112	83.0%
Ttl. Limited Entry Bull	816	944	86.4%

CWMU Bull 362 541 **66.9%**  
 (\*Includes 543 antlerless elk killed by archery and muzzleloader hunters. General season Archery success was 10.6%; any-weapon [rifle] success was 12.9%; and muzzleloader success was 18.9%.)

The Utah sportsmen who advocate managing selected units and private lands to produce trophy animals for several hundred nonresident hunters, point out the increased dollars paid to Utah outfitters, taxidermists and other businesses that are supported by tourism. There is little doubt that these wealthy nonresidents spend far more per hunting trip than the average resident hunter.

But the lost revenue from the thousands of deer and elk hunters who are forced to either hunt in other states, switch to bowhunting (because of the cap on rifle and muzzleloader permits) or wait years for a reasonable chance to harvest an animal, has not been calculated.

Forcing more than 100,000 Utah deer hunters to quit hunting in 1994 impacted the number of youth hunters who hunt now. And resident hunters point out that they spend far more money purchasing SUVs, ORVs, insurance, guns, gear and paying taxes to support the infrastructure in Utah every year than the relatively few nonresidents spend in Utah on a brief hunting trip.

In states like Wyoming and Alaska, outfitted hunting trips where trophy animals are more abundant and other humans are rarely encountered are usually limited to remote wilderness. But Colorado, New Mexico and Utah are creating a simulated wilderness experience using limited controlled hunts and stratified hunting seasons.

If big game populations are managed to create a reasonable chance for all hunters to harvest an animal, the few who are willing to spend the extra time and money to pursue trophies will also have that opportunity. Please read “Wyoming Big Game Management” on page 10.

# Wyoming Big Game Management

When hunters from Colorado, New Mexico or Utah pick up a set of Wyoming Big Game Regulations for the first time, several things stand out. Eighty-six percent of the deer units and 49 percent of the elk units have general open seasons with no caps on the number of resident hunters.

Most residents tend to hunt in units close to home and simultaneous deer season opening dates prevent overcrowding. Nonresident deer hunters who are already traveling long distances, are limited by 13 separate regional quotas to prevent over crowding in a "hot" area.

The deer and elk units that have quotas are generally easy to hunt and close to population centers. Without quotas, excessive hunting pressure could cause too many bucks or bulls to be harvested.

*Before any area is converted from general to limited quota, public desires, habitat conditions and population objectives are all taken into account and the proposal is taken to public meetings.* This is a sharp contrast to Idaho where biologists recommend, and the Commission approves, new limited CHs without public input, simply to satisfy requests from interest groups.

Except for a few units in the northeast corner of the state most mule deer hunting seasons do not extend into the November rut. And except for limited archery hunting in September, most elk seasons are scheduled after the rut.

Controlled hunts are used in some units to prevent over-harvesting does or white-tailed deer. All antelope hunting is controlled for the same reason.

## **Hunter Access to Private Land**

Wyoming has two systems, which provide hunters with access to private lands at no cost to the hunter. Both systems are popular with hunters, landowners and wildlife agencies in states that use them and Idaho would do well to explore them instead of trying to copy Colorado's or Utah's flawed system with LAPs or reinvent the wheel.

The Walk-in Area Program, popular in the Midwest and some Eastern states, was implemented as a trial project from 1998-2000. It allows hunters to walk in to hunt specific species such as deer or pheasants.

Driving vehicles is not allowed unless signs indicate otherwise and camping, fire building, and shooting within 100 yards of buildings is prohibited. Maps are available in each county showing walk-in areas in that county and big game hunters deposit landowner coupons for big game animals harvested in drop-boxes so landowners can be compensated for providing the animals.

## **Hunter Management Areas**

The second System is the Hunter Management Program in which Wyoming Game and Fish facilitates management of hunters in return for free public access to hunt. Some of the large ranches in the program have

provided hunter access for several generations and individual information for each of the 26 Hunter Management Areas (HMAs) is available on the Wyoming Game and Fish Department (WGFD) website.

The hunter must obtain written permission to hunt on a WMA and that can be accomplished on the internet for 22 of the 26 HMAs available in 2005. As with the Walk-in hunting areas, landowners receive compensation for deer, elk or antelope that are harvested by hunters on their land.

## **Access Cost 19 Cents Per Acre**

In 2004 WGFD's Access Yes program opened 2.4 million acres of private and public land across the state to hunters, as well as 85 miles of streams and 280 lake acres to anglers. That translated into hunting and fishing access to 23 Hunter Management Areas, 59 Walk-in fishing areas and 384 Walk-in Hunting Areas made possible through the program.

Easement payments from Access Yes funds for both of the programs totaled \$463,741, which averages around \$0.19 per acre. That translates into five acres of hunting access for each dollar donated to Access Yes.

## **Wyoming Hunter Assistance Program**

Every year WGFD receives calls from landowners, who do not participate in the Walk-in or HMA programs, seeking help in reducing crop depredation by big game animals. The agency has implemented a pilot program in the Casper area to bring these landowners and hunters together to reduce the depredation while providing additional harvest opportunity for hunters.

WGFD provides a list of participating landowners which includes the location, species and sex to be hunted, dates and the number of hunters allowed, as well as the contact information. Game and Fish also advises if leftover CH permits are available for the unit(s) in these areas.

In the past five days 27 additional landowners requesting over 600 hunters to hunt deer and antelope have been added to the list. The landowners may charge a fee for this but most do not.

If you have internet access the list can be seen at <http://gf.state.wy.us/landowner/frmRegion.aspx>. This is another example of Wyoming providing hunter access that is not tied to Commercial exploitation of the resource.

## **Wyoming Landowner Licenses**

The Wyoming Game and Fish Commission authorizes the issuance of landowner licenses in order to provide the opportunity for a landowner applicant or member of the landowner applicant's immediate family to hunt antelope, deer, elk and/or wild turkey on the landowner's property if all available licenses for a hunt area are only available through a competitive drawing.

Landowners with at least 160 contiguous acres that provide food, cover and water to deer, elk, antelope or turkeys for a certain minimum number of days each year can apply for a single license to hunt each species that qualify. But no landowner licenses shall be authorized if hunting with a general license is allowed in the unit(s) at any time during the hunting season.

These are about the same provisions that were applied to the issuance of landowner licenses in Idaho until the Fish and Game Advisory Committee decided to promote LAPs. Despite being called "Landowner 'Appreciation' Permits," the LAPs changed the intent of the license from rewarding farm and ranch families who feed wild game to providing a monetary incentive to reduce the number of depredation claims by farmers and ranchers who own 640 or more acres.

### Wyoming Manages for Those Who Own Game

A major difference between big game management in Wyoming and in Idaho is that Wyoming manages the species to benefit all residents who own the resource rather than cater to special interest groups who provide more license revenue. The result of that policy is evident in Wyoming's 2004 big game harvest report with the following totals:

Species	Number of Hunters	Days Hunted	Harvest	Hunter Success
Antelope	37,764	112,787	36,383	96.3%
Mule Deer	63,100	301,210	36,733	58.2%
White-Tailed Deer	21,781	81,571	10,733	49.3%
Elk	52,246	380,411	21,252	40.7%
Moose	899	5,025	772	84.2%
Bighorn Sheep	231	2,087	205	88.7%
Rocky Mountain Goat	15	61	15	100%
Black Bear	2,278	22,471	294	12.9%
Mountain Lion*		634	181	
Bison (bull/cow combined)	32	94	26	81.3%

\*Mountain Lion figures only represent SUCCESSFUL hunters

Unlike Idaho and other states that provide better harvest opportunity to those who pay higher license and permit fees, Wyoming provides every hunter a reasonable opportunity to harvest the wild game he or she owns. But does this policy discriminate against the hunter who pursues trophy animals?

The answer is "absolutely not" – in fact just the opposite is true. In addition to providing a higher harvest success rate for more species than any other state,

Wyoming hunters continue their long tradition of harvesting outstanding trophies.

Sixteen percent of the total available limited quota elk licenses are offered to nonresidents in the initial elk drawing each year. Twenty percent of the limited quota of deer and antelope licenses are offered to nonresidents in the initial drawing.

But despite the high number of nonresidents who are allowed to hunt in Wyoming, an annual survey completed by hunters reveals that a large majority of both nonresidents and residents are either "satisfied" or "very satisfied" with: (a) the number of hunted animals seen; (b) hunter density; (c) ease of locating a place to hunt; (d) the overall quality of the hunt; and (e) the value received for the license fee.

### Alternate Funding Source

As the non-game and fish environmental agenda was forced on state fish and game management agencies by the International Association of Fish and Wildlife Agencies (IAFWA), WGFD was forced to seek alternate methods of funding. The Wildlife Heritage Foundation of Wyoming was created on April 20, 2000 as an independent charitable organization to raise additional funds required by the State Wildlife Grants (SWG) program and other non-game and fish activities.

Two sources of funding that remain controversial are Governor Complimentary Licenses and Commissioner Complimentary Licenses that are issued to raise funds for various organizations and projects. Because remaining space in this issue is limited, these licenses will be discussed in a future issue.

### Montana Block Management Access

Montana's Block Management program is a cooperative effort between Fish, Wildlife and Parks (FWP), private landowners, and public land management agencies to provide free public hunting access to private and isolated public lands. Block Management Area (BMA) cooperators, with areas ranging in size from fifty to more than 100,000 acres, may receive a complimentary sportsmen's license and up to \$12,000 to offset potential public hunting impacts.

The program is funded by various licenses including the resident and nonresident Hunting Access Enhancement Fee and an outfitter-sponsored combination license for nonresident hunters. The program covers more than 8.5 million acres with major funding provided by a special increased-fee outfitter license.

More than 8.5 million acres are involved with the program, ranging from 300,000 acres in Missoula Region 2 to 3.2 million acres in Miles City Region 7. The hunter access programs in Wyoming and Montana offer at least three viable alternatives to expanding Idaho's Landowner Appreciation Permits and legalizing their sale on the pretense that it will somehow provide more hunter access to private lands.

# Who is Behind Legalizing the Sale of LAPs?

(Several days before this issue goes to press, we received copies of written communications between a well-known leader in the Idaho Legislature and two Idaho Fish and Game Commissioners concerning the proposal to increase the number and legalize the sale of LAP tags. Our attempts to reach the legislator by phone to gain permission to print his letters were unsuccessful so he shall remain nameless pending receipt of his consent - ED)

The first letter to F&G Commission Chairman Marcus Gibbs expressed the legislator's belief that tags, tag fees and game limits should be based on best management practices to maintain a healthy and viable game population. His letter expressed concern that legalizing the sale of LAP tags might decrease rather than increase hunter access to private lands, and would allow landowners to regulate the dispersal of tags to those who bid the highest price.

His letter also reminded Chairman Gibbs that opportunity to hunt or to manage fish and game is not a right granted to landowners, but rather a right that is granted to all citizens. He asked Gibbs to explain and justify who it is that wants Idaho to adopt another system.

Commissioner John Watts apparently responded by email to the Legislator's letter and referenced a white paper he had prepared for the Commission on January 11, 2003. The paper was a proposal to issue big game tags to landowners and permit them to sell the tags at market rate while allowing an unspecified number of residents access to the property.

The proposal prepared by Watts as a member of Veritas Advisors, LLP, is simply the system currently used by Colorado, New Mexico and Utah to allow landowners to manage the game on their property, while selling tags to hunt the game to the highest bidder.

Watts apparently expressed concern in his letter that landowners are rapidly selling off properties containing valuable wildlife habitat and indicated that legalizing the sale of LAPs would halt this practice.

The legislator responded by illustrating that land values are already so high that the money from selling landowner tags would hardly influence whether or not the property would be sold. He described the LAP proposal as a fad or trend that has raised huge levels of controversy and support but will ultimately result in no increased access or other benefit to the average hunter.

The legislator advised Watts to slow down and avoid making a change until we have watched Colorado, Utah and New Mexico for a little longer. But a September 20, editorial by Marcus Gibbs and IDFG Director Steve Huffaker claims that some states allow landowners to sell hunting tags as an incentive to allow access and it seeks input on the proposal.

## Editorial Comment

Many thanks to those who responded to the notice "Subscription has expired" on the bottom of their mailing label on the last issue. By the time you receive this issue in the mail, the rifle raffle will have taken place and one of you will be the proud owner of a beautiful new Model 70.

Many of you still have not taken the time to send a donation to renew your subscription for another year. We cannot afford to keep sending The Outdoorsman to those who do not help pay the cost of printing and mailing.

What better gift could you give your hunting buddies for Christmas than a subscription to help insure that our heritage of public hunting will be enjoyed by their children and grandchildren? A donation of \$20 or more will cover costs.

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