

**Meeting Date:** January 23, 2020

**Agenda Item No. 5. B. 1.**

**Agenda Item:** Petition for Rulemaking

**Bureau Chief Approval:** TB

**Prepared by:** Toby Boudreau, Wildlife Bureau Chief

**Background:**

The commission received a petition to modify the pheasant season opening date from the third Saturday in October to November 1<sup>st</sup> from 189 residents primarily from Franklin and Oneida counties. The petitioners would like the pheasant season opening date moved from the current third Saturday in October to November 1<sup>st</sup> for nonresident hunters, allowing resident only hunting from the third Saturday in October through October 31<sup>st</sup>.

The petitioners believe that nonresident hunting pressure during the season is making hunting more difficult for residents. Having a delayed opener for nonresidents is thought to increase the opportunity for residents to hunt pheasants without competition from nonresidents, increasing the quality of the hunting.

Some restrictions for nonresident pheasant hunting are already in place. Under Idaho Code section 36-407(e), adult nonresidents who purchase annual or 3-day small game licenses (which include game birds such as pheasants) may not hunt pheasants during the first five days of the pheasant season in the area. However, nonresident junior mentored and DAV hunters, and adult nonresidents who buy unrestricted hunting or combination (hunting & fishing) licenses, which include big game hunting privileges, are not subject to the 5-day pheasant restriction.

Current license database information is inconclusive on whether or not Utah residents are having an impact on pheasant hunting in the Oneida and Franklin counties. We can measure how many hunters with Utah addresses bought small game (701), 3 day small game (1,116) or a regular nonresident hunting licenses (3,433) in 2019, however it is impossible to know what proportion hunted pheasants in the 2 counties in question or when they hunted during the season, if at all.

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

Idaho Code section 67-5230 allows any person to petition an agency to adopt a rule and requires agencies to either “deny the petition in writing, stating its reasons for the denial” or initiate rulemaking. The Commission must take action on the petition no later its first regularly scheduled meeting after submission of the petition. I.C. § 67-5230(1)(b).

The IDFG has authority to promulgate rules under Idaho Code, Title 36.

**Public Involvement Process:** N/A

**Justification:**

This concept of having a delay in the nonresident pheasant season is one that merits being thoroughly vetted on a statewide basis through the negotiated rulemaking process.

**Staff Recommendation:**

Staff recommendation is to consider moving this concept forward utilizing the negotiated rulemaking process.