

Meeting Date: March 16, 2023

Agenda Item No. 5B

Agenda Item: Petition for Rulemaking, closing of Game Management Unit 39 to trapping and signage requirement for trap sets

Bureau Chief Approval: JR

Prepared by: Cory Mosby, Furbearer Staff Biologist

Background:

The Commission received a petition (attached) on January 20, 2023, requesting rulemaking to require:

1. Trapping be prohibited in Game Management Unit 39; and
2. Trappers to place signs at trailheads on popular trails or near cities and on public trails within 25 feet of traps and snares.

Trapping is an activity regulated by the Department. In Game Management Unit 39 licensed trappers are provided fur harvesting opportunity and trapping is an effective tool for addressing wildlife-human conflict while minimizing conflict with other user groups. The Commission has proclamation authority to open or close trapping seasons, thus rulemaking is not required for this portion of the petitioners' request.

In 2018 the Commission conducted rulemaking with public input to increase the distance required for placement of traps from paved trails to 300 feet and for placement of traps to 10 feet from the edge of any maintained unpaved public trail.

The Department currently encourages (in mandatory trapping classes and on the Department website) the use of signs on traplines warning the public of the placement of traps. Trapper education is mandatory for all trapping license holders who have purchased their first trapping license after June 30, 2011, and wolf trapper education is required for all participants in wolf trapping. A strong component of this classwork is the ethics involved with choosing trap site placement in consideration of other users of the landscape.

Statutory Authority and/or Policy Issues:

Under Idaho Code 67-5230, any person may petition an agency requesting rulemaking. The agency must: deny the petition in writing, stating its reasons for denial, or initiate rulemaking. The Commission must act on the petition no later than its first regular meeting scheduled seven (7) or more days after submission of the petition.

Idaho Code 36-105 exempts the Commission from the requirements of rulemaking when adopting, repealing, or amending any proclamation relating to setting of any season or limit on numbers, size, sex or species of wildlife classified by the commission as game animals, game birds, furbearers, migratory birds, salmon, steelhead and resident fish which may be taken in this state.

IDAPA 13.01.16.400.03 and 13.01.17 prohibit placing any ground set (except cage or box live traps) within 300 feet of any designated public campground, trailhead, paved trail or picnic area, or within 10 feet of the edge of any maintained unpaved public trail.

Public Involvement Process:

Members of the public have petitioned the Commission to consider their request to initiate rulemaking on the aforementioned trapping regulations and seasons. Multiple public input opportunities were provided during the prior rulemaking process on trap

placement in proximity to public trails in 2018. Public input opportunities were also provided in association with the 2022 – 2023 furbearer season setting process and during the season-setting process for the 2023 and 2024 wolf trapping seasons which is scheduled for action at the Commission’s March 16, 2023 meeting.

Justification:

Idaho Code 67-5230 requires the Commission to act on petitions for IDAPA rulemaking, either by initiation of rulemaking or by petition denial.

Staff Recommendation:

Staff recommends the Commission deny the petition.

Suggested Motion: That the Commission deny the petitioners’ request for rulemaking because trapping is a regulated activity managed by the Department to provide fur harvesting opportunity and provide tools for wildlife-human conflict across the state, and because rules already restrict trap placement to distances greater than 300 feet from campgrounds, trail heads, and paved trails and to distances greater than 10 feet from the edge of maintained unpaved public trails, and because further regulation to require signage is not warranted.