

## **IDAPA 13 – DEPARTMENT OF FISH AND GAME**

### **13.01.16 - RULES GOVERNING THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS**

**DOCKET NO. 13-0116-2001**

#### **NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 36-104(b) and 36-1101(a), Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 26, 2020.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved. The rule making will address the following:

1. The Fish and Game Commission received a rulemaking petition proposing that certain allowances for use of bait and trap placement in wolf trapping also apply to the trapping of furbearing animals and predatory wildlife. These allowances include the placement of traps over naturally killed big game species as long as the carcass was undisturbed, and the use of legally taken road-killed animals as bait.
2. The Fish and Game Commission received a rulemaking petition to restrict the use of body-gripping traps with jaws wider than seven and one half (7 1/2) inches inside spread in sets on dry land within thirty (30) feet of bait or other attractant. The petition also requested that the Commission establish additional conditions for the use of body-gripping traps on dry land where the inside spread of the trap jaw is greater than six and one half (6 1/2) and less than seven and one half (7 1/2) inches.
3. Consistent with executive orders, the negotiated rulemaking may encompass simplification as between IDAPA 13.01.16.400, and IDAPA 13.01.17.400, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals should the rulemaking increase the overlap between methods of takes requirements in the two chapters.

**ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text (if available), contact Paul Kline at (208) 334-3771. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency web site at the following web address: <https://idfg.idaho.gov/>.

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DATED this 1<sup>st</sup> day of May, 2020.

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