

**Meeting Date:** January 23, 2020

**Agenda Item No. 5 B.2.**

**Agenda Item:** Petition for Rulemaking for changing the trapping bait guidelines

**Bureau Chief Approval:** \_\_\_\_\_

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

**Background:**

The Idaho Trappers Association, with endorsements by the Upper Snake River Trappers of Idaho, Intermountain Fur Harvesters, Idaho Houndsman Association, and the East Idaho Houndsman Association, have requested the Commission change rules regarding bait for trapping furbearing animals, and unprotected and predatory wildlife.

Bait is a common component in trap sets, and is considered an advantageous tool for trapping, particularly in winter. Current rules impose restrictions on bait, including those for protection of raptors and other meat-eating migratory birds and other wildlife/fish consistent with classifications protected under state/federal laws and rules.

The proposed rule changes would extend certain allowances for use of bait and trap placement in wolf trapping so these allowances would 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. In addition, the proposed rule change would include an allowance to use “non-edible” portions of legally taken game animals for trapping of furbearing animals, and predatory and unprotected wildlife.

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

The Commission has authority to promulgate rules under Idaho Code, Title 36. 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 organizations’ request proposes to modify Idaho Code 36-1103, which restricts the use of game birds/animals/fish for bait in trapping furbearing animals. This is a legislative change and not within Commission rulemaking authority. Commission rulemaking also cannot override protections imposed by federal law or regulation under the Endangered Species Act, Migratory Bird Treaty Act, or Bald and Golden Eagle Protection Act.

Since July 2012, the Commission has authorized in some form the use of legally salvaged wildlife (salvaged in accordance with IDAPA 13.01.10, “Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife”) to trap gray wolves, and has allowed gray wolves to be trapped near a big game animal that has died naturally and the carcass has not been repositioned for trapping purposes.

Definition of “edible”: Under Idaho Code 36-1202, it is unlawful to waste the “edible portions” of game animals, defined as follows:

- 1) Game birds. Breasts

- 2) Big game animals. Hind quarters, front quarters, loins and tenderloins (no edible portions are defined for mountain lion, black bear, grizzly bear, or gray wolf);
- 3) Game fish. Fillets of fish, hind legs of bullfrogs and tails of crayfish;
- 4) Upland game animals. Hind legs, front legs and loins of rabbits and hares.

**Public Involvement Process: N/A**

This agenda item is presented in response to a request by the Idaho Trappers Association and their partner organizations for a change to existing rules. If the Commission chooses to proceed with rule making, there will be additional opportunities for public involvement.

**Justification:**

The Idaho Trappers Association has requested the Commission consider their proposed rule change.

**Staff Recommendation:**

Staff recommends proceeding with negotiated rulemaking regarding these proposed rule change, as consistent with statute.