

Meeting Date: May 14, 2020

Agenda Item No. 5.B.2

Agenda Item: Petition for Rulemaking, Proximity signage for ground set traps and snares (Action)

Bureau Chief Approval: TB

Prepared by: Toby Boudreau/John Rachael

Background:

The Commission received a petition (attached) on February 12, 2020 for rulemaking to require:

1. Trappers to place visible caution signs at public trailhead/trail/campground locations within twenty-five (25) feet of ground set trap and snare locations; and
2. The Department to place visible caution signs in active wolf hunting areas from April 1 through August 30 to alert campers and hikers that active wolf hunting may occur in the posted area.

In 2018 the Commission conducted rulemaking with public input to increase the distance required for placement of traps from paved trails to 300' and for placement of traps to 10' 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. Mandatory hunter education courses address safety related to other people who may be present in a hunting area.

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. Due to the Covid19 pandemic, the March Commission meeting was converted to a video meeting less than two weeks before the meeting. The petitioner agreed with the Department's proposal to delay this agenda item until the May meeting.

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:

Comment through Department web-based e-mail address.

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.

Sample Motion:

I move to deny the petitioners' request for rulemaking, 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; and because signage for hunting activity is infeasible and not warranted.