

Meeting Date: March 22, 2018

Agenda Item No. 14

Agenda Item: Trapping Setback Update

Bureau Chief Approval:

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Background:

In response to public inquiry and testimony, the Commission asked the Department to work with trapper's associations to review current regulations related to placement of traps on or near trails and pursue improvements to the existing rule to reduce potential conflicts among user groups.

The current regulations have been in effect since July 2010 when adopted by the Commission as temporary proposed rules. Trapping regulations state that no person trapping furbearing animals or predatory or unprotected wildlife shall place any ground, water, or other sets on, across, or within 5 feet of center line of any maintained public trail (IDAPA 13.01.16.400.03(e)). Regulations for trapping wolves also state no person trapping gray wolf shall place any ground set on, across, or within 5 feet of center line of any maintained public trail (IDAPA 13.01.17.400.02(f)).

Staff initiated discussions with trappers following the January 2018 Commission meeting and held an introductory meeting on the subject with the president of the Idaho Trappers Association on February 22nd. Some initial brainstorming included, defining the word "maintained," adding a seasonal component to the rule, adjusting the distance from center line or restricting placement of ground traps on the trail bed, and limiting application of the restriction only to ground sets.

ITA president Rusty Kramer will work to coordinate with leadership within the trapping organizations (i.e., Upper Snake River Trappers of Idaho, Inc., and Intermountain Fur Harvesters) to discuss and schedule future collaboration with IDFG staff.

Staff will prepare an update for the Commission's May meeting and seek Commission direction on whether to proceed with formal rulemaking.

Additional Background on the Rule:

In spring 2010 the Commission requested staff review rules governing trap placement for the take of furbearer, predatory, or unprotected wildlife to avoid conflicts when trapping on or near bridges, trail heads, near campgrounds and other areas. Because some features such as bridges constrict travel and use by humans, pets, and livestock, which could lead to accidental catches and therefore injuries, the Commission asked staff to address the potential for conflict.

IDFG solicited input from the public and trappers in May and June 2010 to assess the support for development of standards for placement of traps and snares along roads and trails and in public areas. Of 1,445 respondents, 68% supported development of regulations.

Top reasons provided by people for *supporting* trap placement standards:

- Concern for pet and public safety.
- Concern for safety but also concerned about impacts to trapping and believe safety could be addressed better by requiring alerting of public by signing area where trapping is occurring or mandatory trapper's education.
- Opposed to use of snares.

Top reasons that people with comments gave for *not supporting* trap placement standards:

- Restricting snaring and trapping along public trails, roads, and some other areas will greatly reduce trappers' effectiveness and income.
- Believe current trapping regulations are sufficient and no further restrictions are necessary.
- Restricting snaring and trapping along public trails, roads, and other public areas will have a negative impact on trappers and wildlife managers to effectively manage furbearer, predatory, and non-protected species and subsequently game species.
- Believe that standards would not be enforceable.

The Idaho Trappers Association (ITA) expressed concern that restriction of snaring and trapping along all public trails and roads will greatly impact trappers efficiency and effectiveness. ITA also expressed that the negative trapping incidences, which lead to these suggested trap placement standards, are isolated and that the current proposed rules are overkill. They suggested the following modifications to the proposed rules:

- Restrict snares and traps as only along paved, dirt, and gravel roads maintained by the state, county, or federal government. (The issue is that the current proposed rules also apply to "two-track" roads and other roads no longer maintained, but appear on agency maps).
- Restrict snares and traps within 5 feet of center line of trail and only on maintained trails.
- Restrict snares and traps around campgrounds, trailheads, and picnic areas only seasonal. ITA suggested closure be from April 15-November 1.

ITA also expressed interest in working with IDFG to improve the types of snares used along trails such as breakaway snares and providing education material.

The Upper Snake River Trappers of Idaho (USRT) were not in favor of any added regulations. The general feeling of USRT was that all trappers are being penalized for the actions of the careless few. The USRT feel that the trap placement standards could be better addressed through education, rather than regulation and have suggested providing trapping education material to trappers when a trapping license is purchased.

Commission action resulted in adoption of the 5 foot setback rules that are in place today.

Statutory Authority and/or Policy issues:

Idaho Code 36-104 grants authority to the Commission to set seasons and promulgate IDAPA rules. Idaho Code 67-52 (Idaho Administrative Procedure Act) governs the process for considering, adopting, and implementing IDAPA rules.

IDAPA 13.01.16 establishes regulations regarding Trapping of Predatory & Unprotected Wildlife & Taking of Furbearing Animals and includes restrictions on placement of traps. IDAPA 13.01.17 contains the rules governing the Use of Bait and Trapping for Taking of Big Game Animals and prescribes restrictions on equipment and placement of traps and snares for taking wolves.

Public Involvement Process:

IDFG staff will working with the Idaho Trappers Association, Upper Snake River Trappers of Idaho, and Intermountain Fur Harvesters to explore potential improvements to the trap setback rule. If the Commission chooses to proceed with rulemaking, the

Department will prepare a Notice of Intent to Initiate Rule Making and begin the process.

Justification:

This agenda item is an information update provided at the Commission's request.

Staff Recommendation:

No action requested at this point. This agenda item is for Commission information.

Action Requested:

N/A.