

Meeting Date: July 26, 2018

Agenda Item No. 5N

Agenda Item: Ban Private Feeding – CWD (Action)

Bureau Chief Approval:

SR

Prepared by: Toby Boudreau

Background:

In 2016, Department staff began revising the Chronic Wasting Disease (CWD) Strategy, which was first written in 2002 and revised in 2010 and 2012. The Strategy Revision is a comprehensive document that includes updated background information on research and management on CWD, prevention, surveillance strategies for both pre- and potentially post-detection, potential management strategies for post-detection and communication strategies.

As part of the strategy update process, staff developed several conceptual ideas for rule changes that would reduce the risk for CWD in Idaho. They included restrictions on carcass transport/importation, winter feeding of wildlife, and possession of live mule deer, white-tailed deer, and elk. The Commission also asked the Department to consider banning the use of natural urine-based lures.

The Department initiated formal rulemaking on a proposed rule to restrict the public from winter feeding of deer and elk in designated CWD Management Zones. This rule would restrict the public from feeding deer and elk in a designated CWD Management Zone in the state if/when we detect a positive CWD deer or elk. Winter feeding causes artificial concentrations of deer and elk that creates a high potential for disease transmission between animals and may increase the spread of CWD. As a proposed rule, if adopted by the Commission, the rule would not take effect until it is upheld by the 2019 Legislature to become final.

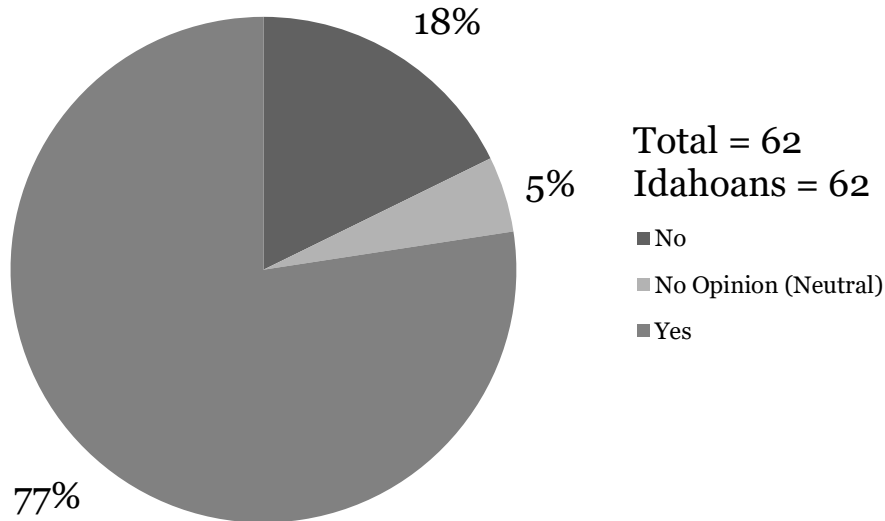
Statutory Authority and/or Policy issues:

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.

Public Involvement Process:

The proposed rule was published and made available for public review and comment on the Department's website during a 21-day period. Public comments are summarized in charts based on Yes/No/No Opinion responses to specific questions regarding the rule.

Do you support a restriction to prevent the public feeding of deer and elk within a CWD Management Zone designated by the state following confirmation of the presence of CWD in Idaho?



Justification:

Staff reviewed the comments and the majority of the public supports a ban on public feeding of wildlife within CWD Management Zones following confirmation of the presence of CWD. Of those individuals with an opinion, 77% supported the rule and 18% did not support the rule; 5% of the public had no opinion.

Staff Recommendation:

Staff recommends that the Commission adopt the proposed rule to restrict the public from winter feeding deer and elk in designated CWD Management Zones.

Suggested Motion: The Commission adopt the proposed rule to restrict the public from winter feeding deer and elk in designated CWD Management Zones.

**IDAPA 13
TITLE 01
CHAPTER 18**

13.01.18 – RULES GOVERNING EMERGENCY FEEDING OF PRONGHORN ANTELOPE, ELK, AND DEER OF THE IDAHO FISH AND GAME COMMISSION

100. INTENT.

The Idaho Fish and Game Commission recognizes that the big game population should be maintained under natural conditions and by naturally available forage. Winter forage is the major limiting factor which determines the basic size of the big game populations, and it must be maintained if the animals are to prosper and propagate. In order to maintain these winter ranges, big game numbers must be controlled through adequate harvest. The Commission does not sanction any widespread supplemental winter feeding programs. Additionally, big game animals, especially elk, when concentrated by supplemental feeding are very susceptible to infectious disease which can be transmitted to livestock. However, big game harvests and weather vary from year to year throughout the state. In most years and areas, snow depths, temperatures, and animal body condition do not create adverse conditions for wintering animals. Unusual weather conditions, limited winter forage, or other circumstances may create critical periods of stress for animals or force them into areas involving public safety. The Commission is unable to manage the big game populations for extreme weather. Therefore, emergency feeding of big game is appropriate under certain criteria.

(4-3-95)

101. PUBLIC FEEDING OF DEER AND ELK UNLAWFUL WITHIN DESIGNATED CWD MANAGEMENT ZONE.

Because winter feeding causes artificial concentrations of deer and elk that create a high potential for disease transmission between animals and may increase the spread of Chronic Wasting Disease (CWD), the unauthorized feeding of deer and elk by the public within any CWD Management Zone designated by the Idaho Fish and Game Commission shall be unlawful.

(x-xx-xx)

~~1042.~~ DELEGATION OF AUTHORITY TO REGIONAL SUPERVISORS.

Because the declaration of and quick response to a feeding emergency will depend on local conditions, the Commission and Director delegate the authority to declare a feeding emergency and to expend funds on feeding to the Regional Supervisors of the Department of Fish and Game.

(4-3-95)

~~1023.~~ EMERGENCY FEEDING CRITERIA.

01. Declaration of Feeding Emergency. A feeding emergency may be declared if one (1) or more of the following criteria are met:

(4-3-95)

- a. Actual or imminent threat of depredation to private property. (4-3-95)
- b. Threat to public safety, including traffic hazards. (4-3-95)
- c. Excessive mortality which would affect the recovery of the herd. (4-3-95)
- d. Limited or unavailable winter forage caused by fire or unusual weather. (4-3-95)

02. Additional Guidelines. The Regional Supervisors may develop additional guidelines on emergency feeding within the listed criteria based on local conditions and local public input.

(4-3-95)

~~1034.~~ FEED STOCKPILES.

Over the years, the Department has identified a number of locations where emergency feed should be stockpiled for probable winter use. It is impractical and cost prohibitive to purchase feed and transport it to these locations after snowfall. The Commission and Director declare that the maintenance of this stockpile constitutes a feeding emergency and authorize the expenditure of funds to maintain the stockpiles.

(4-3-95)

~~1045. -- 999.~~ (RESERVED)