

Meeting Date: January 24, 2019

Agenda Item No. 7.b)

Agenda Item: Creating Commission authority to extend lethal trapping equipment check times in certain units via proclamation

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: At the July, 2018 meeting, the Commission expressed desire to enact rulemaking to create the authorization and flexibility to extend snare check times for wolf trapping. This briefing is to confirm Commission expectation to proceed with negotiated rulemaking.

Staff desires validation regarding the following criteria expressed by the Commission in previous discussion about extending snare-check times for wolf trapping to assist with drafting a rule for negotiated rulemaking:

- Intent for authorization to extend snare check times for wolf trapping via proclamation,
- Intent to limit to specific time of year such as winter,
- Intent to limit to back-country units that are difficult to consistently access to set and check snares within the current 72 hour check time.

Based on Commission guidance, staff will develop a draft rule for negotiated rulemaking. The proposed rulemaking schedule would be publication of the Notice of Intent for Negotiated Rulemaking in the April Administrative Bulletin for public comment April 3-24 via the Department website and follow up with the Commission at the May meeting.

If Temporary/Proposed rulemaking is approved by the Governor via an Administrative Rule Request Form, a temporary rule could be effective upon adoption by the Commission and in effect for the 2019-2020 wolf trapping season; approval of the 2020 Legislature would still be required for the rule to become a final rule.

If only Proposed rulemaking is approved, the 2020 Legislature must approve the rule for it to become effective for the 2020-2021 wolf trapping season.

Statutory Authority and/or Policy issues: Commission has rulemaking authority.

Public Involvement Process: Public involvement would occur through the negotiated rulemaking process and Commission public input opportunity.

Staff Recommendation: Use Commission guidance to proceed with negotiated rulemaking.

Justification: Commission has expressed interest in rulemaking.