

Meeting Date: July 26, 2018

Agenda Item No. 5.H.b.

Agenda Item: Snare Check Time Scoping

Bureau Chief Approval: _____

Prepared by: Sharon W. Kiefer

Background: Citizens can petition the Fish and Game Commission to consider rulemaking for topics within their authority.

A citizen has requested the Commission undertake rulemaking to revise IDAPA 13.01.17.450.01 (Use of Bait and Trapping for Taking Big Game Animals). This rule currently requires any person placing snares or traps for gray wolves to visit every trap or snare at least once every seventy-two hours (3 days) and remove any catch therein.

The citizen request is to extend the visit period for snares specifically in Units 7, 9 and the southeast portion of Unit 4 to 192 hours (8 days) to facilitate winter trapping in these remote areas in order to reduce wolf predation on deer and elk. These units are found in the Panhandle Region.

The request did not include a specific time period for the revised snare check. Currently, the wolf trapping season that allows snares occurs in Units 4, 7, and 9 from November 15 to March 31.

Statutory Authority and/or Policy issues: This request would require Governor Office approval for rulemaking, an administrative rule revision by the Commission, and approval by the Legislature in order to implement a final rule.

Relating to trapping rulemaking, the Commission is considering a recommendation to revise rules for trap set-back (Agenda item 5.R.) at the July, 2018 meeting.

Public Involvement Process: If the Commission desires to enter rulemaking for revising the requirements to check snares, staff recommends public scoping through either negotiated rulemaking or formal rulemaking.

If the Commission desires consideration of this change in order to implement for the trapping season beginning November 15, **2019**, (i.e. rule is reviewed by the 2019 Legislature), then formal rulemaking is the only rule process feasible to meet this timeline because it is too late to accommodate necessary Administrative Bulletin posting dates for negotiated rulemaking and file a rule by the required August 31, 2018 deadline to enable review by the 2019 Legislature. Alternatively, if the Commission desires negotiated rulemaking, implementation is feasible for the trapping season beginning November 15, **2020**.

Staff Recommendation: This agenda item is about a Commission decision whether to move forward or not with public scoping of a citizen proposal to extend check times for snares in certain Panhandle units. The Commission also needs to determine whether they want to consider potential rulemaking for implementation in 2019 or 2020.

If the Commission desires public scoping, staff recommends the following {choose a) or b)}: Motion for the Department to proceed with public scoping through either a) formal rulemaking, or b) negotiated rulemaking, regarding a citizen request to revise check times for snares in certain Panhandle units.

Justification: Rulemaking is within the Commission's authority.