

Negotiated Rulemaking to Modify Gear Requirements on Snares for Gray Wolf
*Summary of Unresolved Issues, Key Information Considered, and
 Conclusions Reached During the Negotiated Rulemaking*





Unresolved Issues and Key Information Considered

The Idaho Department of Fish and Game conducted extensive outreach to scope rulemaking related to modifications to gear requirements for gray wolf snares. IDFG did an on-line survey and had a negotiated rulemaking meeting.





On-line 21 Day Comment Period

A notice of Intent to promulgate rules (negotiated rulemaking) was published in the Administrative Bulletin on June 5, 2019, with a 21-day public comment period. The Department's website provided an avenue for submitting comment. The Department received 311 comments, with 289 of these being from Idahoans. The Department asked four survey questions in addition to providing an open comment opportunity. The following is a summary of the comments.




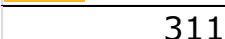
Question 1. Do you support keeping snare configuration requirements as they currently exist?

Yes		101	32%
No		190	61%
Neutral		20	6%
		311	




Question 2. Do you support removing the rule requiring diverters on wolf snares?

Yes		188	60%
No		113	36%
Neutral		10	3%
		311	

Question 3. If you support removing the rule requiring diverters on wolf snares, would you support a requirement to require both a break-away device and a minimum loop stop on snares?

Yes		174	56%
No		75	24%
Prefer not to answer		62	20%
		311	

Question 4. Have you ever used snares for trapping wolves?

Yes		93	30%
No		173	56%
Prefer not to answer		45	14%
		311	

A majority of respondents 61% (n=190) did not support keeping current snare configuration requirements. A similar number (n=188) supported removing the requirement for diverters. A majority of respondents (n=174) supported requiring both a breakaway device and a minimum loop stop in snares. Approximately 35% of the respondents stated they have used snares for trapping wolves.

Written comments supporting changes in current gear requirements focused on ending the requirement for diverters; these comment stated that diverters increased non-target catches of ungulates such as deer, elk, and moose (counter to their purpose) and decreased effectiveness of harvesting wolves. Comments related to breakaways and minimum loop stops primarily included support for these gear requirements in conjunction with eliminating the diverter requirement. Those not supporting the requirement of both devices included one of more reasons: one or the other device should be required but not both, no additional regulation should be imposed; minimum loop sizes may reduce the lethality of a snare; or breakaways can be inconsistent.

Of comment supporting current snare configuration requirements (39%; n=101), many expressed opposition to wolf trapping in general. Comments within the scope of the negotiated rulemaking expressed concern that removing the diverter requirement may increase non-target catches; removing diverters may increase danger to humans and pets; and decision-making should rely on data regarding target/non-target interactions with snare gear sets ups.

Summary of July 22 Negotiated Rule Making Meeting

The Department received one request from the Idaho Farm Bureau to have a meeting to conduct negotiated rulemaking. On July 22nd from 2-4 Mountain Time, a negotiated rule making meeting was held at IDFG's headquarters office in Boise with call in options available at all regional offices to discuss the modification of requirements for snares related to diverters, stops, and breakaway devices while wolf trapping. Seventeen people participated in the meeting with 12 at the Boise office, two at both the Coeur d'Alene and Lewiston offices, and one at the Pocatello Office. The participants did not reach consensus at the conclusion of the meeting. Of those attending, five people supported removing diverters and requiring a breakaway device, minimum loop stop, or both. The remaining 15 people did not support removal of diverters and many supported additionally requiring both a minimum loop stop and a breakaway device in addition to diverters. Meeting participants included members of the Center for Biological Diversity, Foundation 4 Wildlife Management, Friends of the Clearwater, Idaho Farm Bureau, Idaho Trappers Association, Intermountain Fur Harvesters, Wildlands Defense, and several individuals with no official affiliation.

IDFG provided a "strawman" which depicted draft rule changes to IDAPA 13.01.17 to aid in focused discussion at the meeting.

A significant amount of time during the initial meeting was spent explaining the basic concepts behind wolf snares and the general framework for regulation of wolf trapping in Idaho. Some comments were outside the scope of negotiated rulemaking. The scope of negotiated rulemaking was limited to the relationship between diverters, breakaways, and minimum loop stops on wolf snares.

The participants in the negotiated rulemaking meeting did not reach consensus and left some issues unresolved. This reflected the fact that the group included people that ran the gamut from strongly supporting wolf trapping to people that strongly opposed trapping. Statements from participants representing organizations included the following:

- Foundation 4 Wildlife Management – Support removal of diverters, but not supportive of delineating a poundage requirement. Not supportive of ability for commission to change diverter requirements by proclamation.
- Friends of the Clearwater – Not supportive of changes, should wait for data to make an informed decision. Not supportive of ability for commission to change diverter requirements by proclamation.
- Idaho Farm Bureau – Supportive of removal of diverter, supportive of language that mirrors snaring requirements in furbearer regulations of the requirement of a breakaway or minimum loop stop, but not both. Not supportive of designating a breakaway poundage requirement. Not supportive of ability for commission to change diverter requirements by proclamation.
- Idaho Trappers Association – Mirrored Foundation 4 Wildlife Management statement. Suggested, that they would prefer to require either a breakaway or a minimum loop stop, but not a major concern.
- Intermountain Fur Harvesters – Mirrored Foundation 4 Wildlife Management statement.
- Wildlands Defense – Supportive of keeping diverter, supportive of requiring both a minimum loop stop and a breakaway device. Stated that delineating a poundage requirement is important to ensure that breakaways function as intended.

Participant statements during the meeting included the following: 1) Removal of diverters could have the following consequences – make snares harder for the public to see and thus endangering the public and pets, and could increase non-target capture; 2) It is difficult to access the rule making process and be informed as a citizen; 3) There is an overall lack of scientific study to guide this process and with no data it makes informed participation difficult; 4) If there is an increase in non-target capture how would the department identify this and address it?; 5) The group did not have access to non-target capture data at the meeting and there were concerns that the department is unable to differentiate between snaring and foothold trapping on the landscape; 6) Diverters increase capture of non-target animals, particularly white-tailed deer; and 7) Diverters increase avoidance of gray wolves and make capture more difficult.

Conclusions Reached During and as a Result of the Negotiated Rulemaking

IDFG has considered the recommendations of interested persons concerning the subject of the proposed rule. IDFG also conducted outreach to other states that regulate snaring and

considered various other state regulatory schemes. The proposed rule is a reflection of what staff thought would work in Idaho. IDFG is recommending that its Commission adopt a rule with the following requirements, which the Departments finds effectively balances the capture of target species with minimizing non-target animal capture.

The agency suggests that the Commission adopt a rule that no longer mandates that wolf snares have diverters but leaves the Commission with discretion to identify by proclamation areas where diverters must be required based on levels of non-target catch of animals whose capture may be avoided by diverter use. The agency has determined that having discretion to reinstate the use of diverters will allow for adaptive management should there be concerns associated with levels of non-target capture that may be mitigated with the use of diverters in an area.

IDFG also is recommending the adoption of a rule requiring both a breakaway device and a cable stop. The previous rule only required either one of the two devices but did not require both. The agency finds that requiring both devices is warranted as a best practice to minimize non-target capture in light of eliminating the diverter requirement. Breakaway devices will allow larger non-target animals, such as elk and moose, to escape snares. While breakaways will not work on smaller animals such as deer, in the event smaller ungulates are captured by a leg, a minimum loop stop will enable them to pull free from the snare. Although the agency had considered a poundage requirement, the agency has determined that such a poundage requirement would be difficult to enforce and test since it would require confiscating and breaking trapping equipment. Additionally, such equipment is subject to the elements and breakage weights may vary over time. The agency has determined that education is a more appropriate way to approach the poundage requirement. IDFG already conducts mandatory wolf trapper education.