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Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee
FROM: Deputy Division Manager - Katharine Gerrity
DATE: October 08, 2019
SUBJECT: Department of Fish and Game

IDAPA 13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals - Proposed Rule (Docket No. 13-0117-1901)

Summary and Stated Reasons for the Rule

The Department of Fish and Game submits notice of proposed rule at IDAPA 13.01.17 - Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. According to the department, the rule would remove the general requirement that diverters be used on ground set snares for gray wolf trapping, but would allow the commission to require diverters in specific areas based on levels of non-target catch of animals that might be avoided by diverter use. The department notes that the rule would also require ground set snares for gray wolf trapping to use both a breakaway device and a cable stop whereas the current rule only requires the use of at least one of these devices.

Negotiated Rulemaking / Fiscal Impact

The department states that it received 311 comments following publication of intent to promulgate rules and that one negotiated rulemaking meeting was conducted. The department indicates that the meeting did not result in consensus, and polarized opinions stated by meeting participants on issues within and beyond the scope of rulemaking were not suited to further negotiation.

Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 36-104 and 36-1101, Idaho Code.

cc: Department of Fish and Game
Paul Kline

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

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