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**State of Idaho
Department of Fish and Game
Enforcement Bureau**

ENFORCEMENT GUIDANCE MEMORANDUM #3

TO: Enforcement

FROM: Greg Wooten, Bureau Chief *GW*
11/3/2020

SUBJECT: Trap Distance Guidance

DATE: October 27, 2020

Trapping near an unpaved public trail:

"Public Trail (trapping)" means any trail designated by any city, county, state, or federal transportation or land management agency on the most current official map of the agency (13.01.17.010.05).

For any unpaved public trail, traps must be 10 feet from the edge (13.01.17.400.01.f.).

Paved public trails require 300 feet (13.01.17.400.01.h.).

Interpretation:

Trapping distance rules do not apply to trails not on a current official map. It is not up to us to identify these for trappers. Distance rules do not apply to trails identified on old out of date maps that do not appear on current maps.

On private property where the owner does not allow public access, trapping distance rules do not apply.

On private property open to public trapping, distance rules apply to trails on a current official map.

Some designated maintained trails cross private property and are open to the public (there may even be a public easement). Trapping distance rules apply in these circumstances.

Trapping near roads:

"Public highway" means the traveled portion of, and the shoulders on each side of, any road



maintained by any governmental entity for public travel, and includes all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road.

Interpretation:

Closed or gated roads – if the road is on a current official map we consider it within the public highway definition in accordance with official maps that identify and characterize roads and trails. Many forest roads may not or do not have a formal right-of-way. We will use the map designation of roads as applied to the big game trapping rules, consistent with the Motorized Vehicle Use Map (MVUM) road designations and BLM travel and transportation management.

Be advised, some bridges and culverts do not have a public right-of-way access. They are rare. I only know of one in the Big Lost.

Rights-of-way are not always clear. Use your best judgment and discretion to identify the edge and remember the road must be on a current official map.

Many public highways cross private lands and corporate timberlands. It is common for a public agency to take the lead on maintaining the road even if it crosses jurisdictions or ownership; some even have written agreements to do so. Most gravel roads receive maintenance and many roads without gravel receive maintenance, especially if the road is on a current official map. Maintenance schedules and intervals are irrelevant.

In discussing this with trappers, it would be ok to remind them visible traps and traps placed where they may become visible contributed to the recent change from 5 feet from the center of a trail to the current rule of 10 feet from the edge of trails, mostly due to non-target catches. Additionally, traps encountered in visible areas too close to a trailhead resulted in the Commission adopting the 300-foot restriction from any trailhead, campground or picnic area.

Trapping near snowed covered roads and trails:

Interpretation:

The presence of snow 'CAN' officially change the designation of some roads designating them as winter use 'TRAILS'. Trapping distance apply in accordance with the map designation. Some winter use maps refer to roads during winter months as groomed snowmobile trails and Nordic ski trails etc. Winter recreation routes designated as 'TRAILS' require traps 10 feet from the edge.

Refer to '*official winter use recreation maps*'. USFS winter use maps refer to groomed trails and roads on the map and legend. These include groomed and ungroomed trails officially designated for winter use/recreation.

We do not expect the public to realize or recognize a change in formal designation when snow covered unless a winter map formally does so. We will consider roads not maintained for public travel with snow removal to remain under the definition of public highway; traps must be off the



traveled portion, shoulders and right-of-way. Remember most forest roads do not have a defined right-of-way.

Randomly groomed trails cross-country not identified on a current official map for winter use do not fall under the trapping distance rule.

More discussion:

Bear baiting has its own rule where the 'established road' must be OPEN to the public for motorized traffic and CAPABLE OF BEING TRAVELED BY FULL-SIZED AUTOMOBILES. This is why someone can bait on a closed road (not open to the public), but cannot trap on a closed road. Trapping rules do not differentiate between open and closed roads. Non-motorized users commonly use closed roads. This can increase risk of trap exposure and conflict.

'Established roadway' is not included in trapping rules. For bear baiting, an established roadway open to the general public for motorized traffic and capable of full-sized travel; bait must be 200 yards except Regions 1 and 2 where bait must be 200 feet.

Public paved trail:

If the paved trail crosses private property open to the public, the 300-foot rule applies. This includes adjacent private property as well. There is not an exception for private property.

Example: No traps may be set within 300 feet of the Boise River Greenbelt regardless of property ownership.

BLM Roads/Trails:

BLM Travel and Transportation Management Handbook (Public) 03/16/2012 and BLM Travel and Transportation Management Manual (Public) 09/27/2016 uses three different route types. The route type is the description of the physical conditions of the route, and describes the extent of physical and/or vehicular access each type may support, as well as lending guidance to maintenance requirements.

Route nomenclature in all implementation materials (e.g. maps) would be consistent with current BLM guidance (BLM Roads and Trails Terminology Report 2006), utilizing the terms "road," formerly called a two-wheel drive road; "primitive road," formerly called four-wheel drive road and four-wheel drive technical road; and "trail," formerly called ATV route or restricted access.

As defined in the BLM Travel and Transportation Management Handbook:

Road:

A linear route declared a road by the owner, managed for use by low-clearance vehicles, which have four or more wheels, and maintained for regular and continuous use. (For trapping purposes, we consider these roads under the definition of public highway in title 36-202; trap distance from road rule applies)



Primitive Road:

A linear route managed for use by four-wheel-drive or high-clearance vehicles. These routes do not customarily meet any BLM road design standards. Unless specifically prohibited, primitive roads can also include other uses such as hiking, biking, and horseback riding. (For trapping purposes, we consider these primitive roads under the definition of public highway in title 36-202; trap distance from road rule applies)

Trail:

A linear route managed for human-powered, stock, or OHV forms of transportation or for historical or heritage values. Trails are not generally maintained or managed for use by four-wheel-drive or high-clearance vehicles. (Trap distance from trail rule applies, 10 feet from edge)

Greg Wooten

Enforcement Bureau Chief

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