

AMEND CHAPTER 4.01, (G. 2-A; J and K) AS FOLLOWS:

4.01 Upland Game and Furbearing Animals

G. Open Seasons for the Hunting and Trapping of Furbearing Animals

2-A. Early Fox and Coyote Trapping Season Statewide

There shall be an early fox and coyote trapping season statewide beginning on the Sunday 2 weeks prior to the opening of the regular fall trapping season and extending through the day prior to the opening of the regular fall trapping season. Any raccoon, skunk or opossum taken incidental to fox and coyote trapping may be lawfully possessed. During this early trapping season, except as provided in this section, it is unlawful to take or possess any furbearing animal other than fox, coyote, raccoon, opossum and skunk. Any other furbearing animal caught incidentally in a fox or coyote set must be immediately released alive, or, if found dead in the trap, must be reported to a game warden as soon as possible and prior to removal of the animal from the trap and trap site location. Any such incidental catch found dead in the trap must be turned over to an agent of the commissioner within 48 hours from the time it was discovered.

During this early fox and coyote trapping season, in addition to department rules and state laws which affect trapping in general, the following restrictions also apply;

- a. Killer-type traps are prohibited;
- b. Traps may not be set in the water;
- c. The use of exposed bait or visible attractor at any trap site location is prohibited.

J. Size of Traps

Animals may be trapped with any common ordinary steel trap except that in Wildlife Management Districts 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, no foothold trap (also known as a leghold trap) may be used that has an inside jaw spread of more than 5 3/8 inches, except that a foothold trap with an inside jaw spread of more than 5 3/8 inches may be used if it is set so as to be fully or partially covered by water at all times. Inside jaw spread is the distance, with the trap in the set position, from the inside center of one jaw (at the dog) to the inside center of the opposite jaw when measured directly across the center of the pan and perpendicular to the base plate. Killer-type traps with a jaw spread not to exceed 8 inches may only be used, as provided in paragraph K. During the open season on beaver it shall be lawful to use a killer-type trap with a jaw spread larger than 8 inches if, when set,

placed and tended, the trap is completely under water. Killer-type traps shall include so-called Conibear traps and all other traps of that type. It shall be unlawful to use any trap with teeth on the jaws unless when set, placed and tended, the trap is completely covered with water.

It shall be lawful to trap furbearing animals with a common cage type live trap, except that in Wildlife Management Districts 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, no cage trap which has an opening of more than 13 inches in width or more than 13 inches in height may be used unless the cage trap is being used (1) for wildlife research and survey activities; (2) for the removal of animals that are causing damage to property; or (3) to capture bear. Cage traps also include suitcase-type live traps, such as Hancock traps. The setting of suitcase-type live traps during the recreational beaver trapping season is prohibited except under the authorization of a Regional Wildlife Biologist as part of the Department's Animal Damage Control program. These traps must be set with the bottom portion in the water, and with the opening of the trap facing away from land.

Furbearing animals may be trapped with so-called colony traps having outside dimensions no greater than 7 inches high by 7 inches wide by 40 inches long, only if set so as to remain completely under water at all times.

Furbearing animals may be trapped with so-called egg traps, duffer traps and all other traps of that type that are designed primarily to catch raccoons and avoid incidental catches of other animals.

Wooden-base rat traps may be set on land for weasel and red squirrel trapping if recessed in a wooden box with a hole no larger than 2 inches in diameter.

K. Location of and Preparation for Traps

No person shall stake, hook, fasten or position a trap at any trap site location in the fields, forests or waters of the State prior to the opening day of the trapping season.

No person shall make any advance preparation on the trapping grounds for the taking of beaver or muskrat previous to the open season on these animals.

No person shall use meat or fish as bait in trapping for beaver.

Except as provided herein, no person, except an agent of the Commissioner, shall place, set or tend any traps (i) within 10 feet of a beaver house, muskrat den or house, (ii) within 5 feet of a beaver dam, or (iii) within 4 feet of a beaver trap that has been set by another trapper. In Wildlife Management Districts 1, 2, 4, 8, 9, and 10 there is no required setback distance from an active beaver dam. In Wildlife Management Districts 1, 2, 3, 4, 5, and 6 there is no required setback distance from a beaver house.

Steel foothold or killer-type traps must not be set within 50 yards of bait that is visible from above. Bait may be used for trapping if it is completely covered to prevent it from being seen from above, and it must be covered in such a way as to withstand wind action and other normal environmental conditions. Bait is defined as animal matter including meat, skin, bones, feathers, hair or any other solid substance that used to be part of an animal. This includes live or dead fish. For the purposes of this paragraph, bait does not include animal droppings (scat), urine or animals, dead or alive, held in a trap as the result of lawful trapping activity.

Steel foothold traps must not be set above ground or snow level.

Steel foothold traps must have a chain that is mounted within the central portion of the base of the trap, and must have three swiveling points, with one swiveling point at the base of the trap, one midway in the chain, and one at the trap's anchoring point. These restrictions do not apply to foothold traps that when set, placed, or tended are fully or partially covered by water, those that are set on a muskrat "float", or dog-proof traps (also known as Duffer traps).

In WMD's 1-11, 14, 18, and 19, foothold traps must be securely anchored to the ground. The use of drags is prohibited in these WMD's. Foothold traps must have the catch circle cleared of woody vegetation, debris and manmade material that could cause entanglement of a trapped animal. Small sticks and rocks, and rotten/decaying woody material may be used for stepping guides, blocking, and backing for trap sets, if they are not rooted to the ground. A catch circle is defined as the area that can be circumscribed by the outer edge of a trap when the trap and trap chain are fully extended and moved in a circle (360°) around the anchoring point. These restrictions do not apply to foothold traps that when set, placed, or tended are fully or partially covered by water, those that are set on a muskrat "float", or dog-proof traps (also known as Duffer traps).

No person may set, place, or tend any killer-type trap unless:

- 1) set completely underwater except or
- 2) killer-type traps with an inside jaw spread not to exceed 5 inches may also be used under the following conditions:
 - (a) when set so as to be partially covered by water at all times, or
 - (b) when set under overhanging stream banks, or
 - (c) when used at blind sets defined as –

any set designed to catch a wild animal, without the use of bait, lure or visible attractor, by intercepting the animal as it moves naturally through its habitat. Bait, lure and visible attractor do not include animal droppings (scat) or urine.

Notwithstanding the previous paragraph, in all Wildlife Management Districts killer-type traps with a jaw spread not to exceed 8 inches may be used on or above ground level if the trap is placed within a lynx exclusion device. The trap jaws must be completely within the device, the trap springs can be outside of the device. Exclusion devices will have the following designs:

(1) For traps with a jaw spread less than or equal to 5 inches (primarily used for marten trapping), the device must have an opening of 4 x 4 inches or less. The entrance hole may be placed on the end or on the side of the device, and the set trap must be a minimum of 18 inches from the closest edge of the entrance hole.

(2) For traps with a jaw spread greater than 5 inches but less than 8 inches, two designs may be constructed. The first design has an entrance hole on the end of the device that must not exceed 5 x 6 inches. A baffle must be placed no more than 6 inches back from the entrance hole and must not have an opening greater than 5 x 6 inches. With the baffle in place, the entrance hole and interior opening may not overlap to create an unobstructed view to the interior of the exclusion device.

For the second design the entrance hole must not exceed 6 x 7 inches and must be placed on the side of the device. A baffle must be placed at the edge of the entrance with the baffle opening opposite of the entrance hole, and the hole must not exceed 6 x 6 inches.

For both devices the trap must be placed no closer than 18 inches from the closest edge of the entrance hole. An example design is included in the annual Trapper Information Booklet.

The exclusion device can be constructed of wood, plastic, or wire mesh. If using wire mesh, the mesh cannot exceed 1 ½ by 1 ½ inches, or 1 inch by 2 inch openings, (side to side). The wire mesh has to be 16 gauge or less (wire diameter of 0.05 or greater). The opening slot in the exclusion device that allows the trap springs to extend outside the device can be no more than 7 ½ inches wide and a height of no more than 1 ½ inches. The back of the device must be secured to withstand heavy pulling; if using wire mesh with a wood or plastic box, the wire mesh must wrap around two opposite sides of the box and be secured. There must be at least 1 attachment point for each side of the device where a joint or panels come together. The opening slot in the exclusion device that allows the trap springs to extend outside the device can be no more than 7 ½ inches wide and a height of no more than 1½ inches. The trap must be anchored outside of the exclusion device. Bait must not be visible from above. When enclosed in an exclusion device, killer-type traps can be set directly on the ground, or elevated in trees or on poles, with no specific requirements as to the height above ground or diameter of the tree or pole.