

## MONTANA TRAPPING ADVISORY COMMITTEE

August 28, 29, 2018 (Meeting 2)

### Session Summary

#### OBJECTIVES

1. For Committee members absent from the first meeting and the public in attendance, affirm the Committee's Charter; clarify roles in the process; review the collaborative process and timeline; and announce each day's public comment time.
2. Based on assigned reading material, FWP and other statistics/data, and member research, continue learning about trapping in Montana.
3. Draft "Guiding Principles" and begin work on the "Important Questions".
4. Confirm the future meeting date and location and assign homework.

#### COMPLETED AGENDA ITEMS

##### Refocusing...

For the member who could not attend the first meeting and for the public in attendance, the Committee reviewed, affirmed and/or edited the following from their July initial meeting:

##### 2018 Montana Trapping Advisory Committee Charter with specific attention to the parts below in bold italics:

Hunting and trapping of managed species in Montana is highly regulated by FWP so that population viability of those species is protected. Yet trapping in particular has been and remains controversial. Therefore, ***FWP will assemble a citizen committee representing the spectrum of opinions on trapping that will provide recommendations to FWP that ensure population viability of trapped species, the humane treatment of animals, and minimize social conflict.*** FWP will put out a call for participation through newspapers, social media and on our website. Applications will be reviewed by FWP with the final selection by the Director of approximately 12 ***people who represent the geography of Montana, the spectrum of opinions on trapping, and who can respectfully work together to address issues and reach consensus.*** FWP wants people who are solution-oriented and respectful of diverse opinions, not people with an exclusive unilateral agenda. Committee members will be expected to participate in 3 – 4 meetings that will be professionally-facilitated by a non-FWP person over six to eight months, and ***present recommendations to FWP by March 30, 2019. FWP will not be a member of the committee, but will provide technical and information assistance. The committee will not consider whether or not there will be trapping in Montana. Trapping is a legal activity, a sound wildlife management practice and a legitimate use of wildlife, and is well represented in Montana's history and culture. Through this collaborative effort, FWP looks to ensure trapping will continue. It is protected by the Montana Constitution's Article IX in the Preservation of Harvest Heritage Section 7.*** Also, in FWP's Vision and Guide for 2016-2026, the department states that it values "the continued importance of hunting, fishing, trapping, and other outdoor recreation to Montana's culture and conservation ethic." Eighteen years ago, in 1999, Montana Department of Fish, Wildlife and Parks' then director, Pat Graham, assembled a similar Trapping Advisory Committee to "Identify recommendations for the Director's consideration to minimize conflicts between land-use practices, outdoor recreation and trapping." That committee made nine recommendations to the Director, many of which have been implemented. ***At a minimum, this Committee will review the 1999 recommendations, including the controversial issue of trap check time, and will evaluate those recommendations as part of its charge. This effort will also provide opportunity for other trapping-related specifics to be discussed and reviewed.***

### **July 2018 Meeting Ground Rules to Encourage Productive and Safe Discussion**

- Listen actively and honorably.
- Manage your own communication (allow the other to finish; avoid side conversations at the table unless part of the process).
- Allow the facilitator to remind individuals/the group about the ground rules.
- Arrive at common definitions... and use them.
- Respect each individual's right to their opinion – even if you don't agree.
- Define problems and seek solutions – rather than finding opportunities to further one's agenda.
- Encourage data... science based discussion and solutions. Use data to explore "fair standards".
- Do your homework so you are prepared for the next meeting.
- Work to find consensus. When agreement is not reached, allow the facilitator to use an interest-based approach to try to build a collaborative solution. When agreement still cannot be reached, the group will decide how to forward their outcome on that issue to the Department/Commission. If a Committee member is absent, the group will move ahead rather than revisiting issues.
- Refer media contacts to John Vore.
- Refer questions from others to the meeting summaries on the Department website.
- Avoid using email to build agreement or cliques around a particular solution.

### **Steps in the Facilitated Interest-Based Collaborative Process**

- Revisit/affirm the ground rules and any needed process agreements
- Look at "hard facts"
- Identify Committee member "interests"; work toward mutual understanding of interests
- Identify "Important Questions" that need to be discussed... addressed in this process in order to reach consensus recommendations
- Agree on a set of "guiding principles"
- Problem-solve to get to agreement around the "Important Questions"
- Develop collective recommendations

### **Approving – Where Needed, Editing - the July 10, 11 Meeting Summary**

A Committee member suggested the following be inserted in the July 10, 11 meeting summary to document concerns raised at that meeting. The Committee concurred. FWP will insert it in the July summary on their website and the facilitator will edit her document as well.

#### **Insert in July meeting summary after the Ground Rules on page 2:**

As part of the conversation leading to discussion ground rules, there were serious concerns raised about the makeup of the Committee. Those concerns were centered on what was viewed as uneven representation within the group in terms of numbers in support of trapping and perceived fewer numbers of members who had concerns about how trapping occurs in Montana.

There was also concern about Committee members at the table who represented an organizational agenda because of their role with an organization. While the group affirmed that within their charter, they would not be considering whether there would be trapping in Montana, some were concerned that an uneven representation would mean not having concerns about trapping recognized or addressed – particularly if agreement was reached through a vote. The facilitator explained the interest-based collaborative process is designed to build consensus around solutions/recommendations based on attempting to satisfy and yet not dilute the interests brought to the table by Committee members. A member also felt that the creation of the Committee suggested a “stacked” situation to begin with - where trapping had to be defended and that it would be surprising if expansion of trapping was considered. As a result, the Committee agreed to add the following Important Question to the list created at the July meeting: “Are there opportunities for expanding trapping?”

### **Reviewing/Clarifying Data/Requested Material, etc.**

Since July, Committee members have received or are receiving today, the following documents:

- FWP 10-Year License Sales Comparison (that includes trapping licenses)
- Incidental Captures of Wildlife and Domestic Dogs in Montana, 2012-2017
- 2015, 2016, 2017 Trapping Violations
- 2018 Furbearers and Trapping Regulations
- Montana Department of Agriculture Vertebrate Pest Management Program
- Changes to the Trapping regulations since the 1999 Committee report including those that responded to that Committee’s recommendations (explained in John Vore’s July power point); group asked that discussion should continue related to the additions and changes to the trapping regulations including the number of changes/clarifications; what they are; how many tightened, restricted or eliminated trapping opportunity; how many relaxed regulations or expanded trapping opportunities

Because there appeared to be some confusion about how information/data would be shared among Committee members. After some discussion, they agreed that any articles, etc., a member wants shared with the rest of the Committee, be sent to John and he will distribute them to the Committee. If a member wants her/his email message shared in addition to the article, tell John. The articles will also go on the website. The Committee was also reminded of the following ground rules pertinent to sharing information:

- Avoid using email to build agreement or cliques around a particular solution.
- Refer questions from others to the meeting summaries on the Department website.

### **Finalizing the “Important Questions” - Additions/Edits**

The Committee reviewed and approved their initial July list of “Important Questions” with the following ***edits and additions***:

C. What is the spectrum of trappers and their activities (e.g., recreation, ***commercial***, livelihood, predator control, cultural/historical, etc.)

K. Additional Questions added to this grouping:

- ***Are there changes we might want to consider related to trapping specific species (e.g., beaver, wolves) and specific regulations?***
- ***Are there opportunities for expanding trapping?***

### Who's Here and Why

Committee members revisited their “interests” from the July meeting and the new member stated his. The facilitator reminded the group that each person is entitled to their interest(s) and consensus around those interests is not intended. The group had discussion to further understanding of each other's interests. The role of FWP personnel was explained as resources for the Committee. Members of the public observing the meeting also introduced themselves.

### August 28, 29 Trapping Committee Work in Progress – Definitions/Draft Guiding Principles/Some Suggestions/Some Agreements

#### A. Is trapping constitutionally protected in Montana and if so, what language in the Constitution protects it?

- Guiding Principle - As members of the Trapping Committee, we accept and affirm the Charter given to us by Fish, Wildlife & Parks.
- Tentative Agreement – Question A is completed.

#### B. How is trapping supported financially by/within FWP? What is the data related to the number of trappers who pay for a license to trap in Montana? What direct income do Trappers bring to FWP and what might be the income from supporting industries?

- Guiding Principle - We recognize that sportsmen and women financially support wildlife management. We believe that those license fees as well as federal dollars received by FWP should continue to support trapping within Montana.
- Guiding Principle - We believe there are opportunities for supporting industries to financially contribute to wildlife management and that trapping contributes to Montana's economy.
- Tentative Agreement -

#### C. What is the spectrum of trappers and their activities (e.g., recreation, livelihood, predator control, cultural/historical, commercial, etc.)? Might certain regulations be applicable to different kinds of trappers?

- Description – The spectrum of trapping includes recreation/tradition, damage control, commercial/livelihood and research.
- Suggested Guiding Principle but not accepted by the group - *We recognize that there are different types of trappers in Montana that operate under different regulations but that their internal policies are to where possible, follow state laws and regulations*
- Draft Guiding Principle – We believe that all trappers (recreation/tradition, damage control, commercial, research), regardless of where they are on the spectrum, should obey the law and regulations and guide their decisions in accordance with target species and purpose for capture with due regard for reducing non-target and incidental catches or take:
- Tentative Agreement – Initially, there was a lack of clarity/agreement about what is meant in/by the Important Question. There was need to discuss and come to agreement on what the Important Question meant before today's draft Guiding Principle was accepted. After discussion, the Committee reached tentative agreement on the description and applicable draft Guiding Principle.

D. What outcomes do we desire related to trapping? How will our accepted recommendations be evaluated for effectiveness related to our desired outcomes? How can the Committee forward issues to FWP where they cannot reach agreement and/or it involves another entity beyond the Department?

- Guiding Principle - We agree that our desired outcome is to reduce conflict related to trapping.
- Guiding Principle - We also believe that the effectiveness of any of our accepted recommendations should be evaluated over time.
- Guiding Principle - We work to reach consensus but where we cannot or where FWP does not have the authority to implement actions, we agree to provide some sense of the Committee's desired direction for those issues (i.e., work with Cities and Counties on leash laws; work with Montana Department of Agriculture on issues related to trapping on private land; find ways to forward things to the Legislature; go to the public, etc.).
- Tentative Agreement – The Committee intends to revisit how to forward consensus recommendations and areas where they are not in agreement at the end of the process.

E. What is meant/how do we collectively define terms like “ethical” and/or “positive trapping behaviors/actions”? What are the varying/different impacts on animals from different kinds of traps? Based on our definitions, are there particular traps that should be encouraged and why?

- Draft Guiding Principle - We believe that ethical trapping is both following the law and regulations as well as showing concern by behavior and choices for minimizing impacts to non-target animals, target animals and public sensibilities
- Discussion – Sorting out/discussing issues/problems related to ethics
  - We see “ethics” as how you behave when no one is looking. You can't regulate ethics. Education is key with a component of enforcement and consequences to back it up.
  - Factors that contribute to ethical trapping and should be considered include device choice (e.g., lethal, restraining); set choice (e.g., location, bait); goal of actions (e.g., trapping for pest control; trapping for fur; recreational trapping)
  - Trappers might consider choosing traps/sets/goal that cause the least impact.
  - Ideas to encourage include following Best Management Practices; creating a culture that acknowledges unethical behavior/works to combat it; mentorship.
- Issue – Many trappers operate outside of FWP jurisdiction – how do we reach them? What issues exist related to predator trappers through other Agencies?
- Tentative Agreement – The small group identified a number of specifics that they would like included in the discussion related to this guiding principle and without agreeing to the specific list, the full group agreed to the expanded discussion.

F. What behaviors related to trapping need to be addressed? What can be done about “bad” (outlaw) trappers? What can be done about unethical trapping? What “tickets”/fines are given for what infractions related to trapping? Geographically, where are the most tickets given?

- Definition - “Illegal trapping” is trapping not in compliance with established Montana regulations and ordinances.
- Guiding Principle - We recognize the need to fully explore and collectively agree on what is meant by “illegal” trapping.
- Tentative Agreement – The Committee agreed that there are misconceptions about why illegal acts occur and that they need to agree on those before they can or would develop any recommendations.

G. How might a particular problem be best resolved – education, regulation, enforcement, consequences, etc. How can the public be made aware of traps – where, when, how, etc. – to decrease negative interactions between traps and the general public? What is the rate of citation for pets at large (e.g., off leash in a leash area; chasing wildlife, etc.)? How can we educate/promote responsible pet ownership in areas with wildlife and where trapping occurs? What are the statistics about how many domestic animals are treated for trap-related injuries compared to injuries from other things? What options are there for implementing an education program related to trapping?

- Guiding Principle - We believe that any issue related to trapping is best addressed with a multi-faceted approach (education, regulation, enforcement, consequences, etc.).
- Guiding Principle - We believe that a well-funded, well-organized education program for all interests can help enforcement; can mitigate capture of non-targets; can enhance reporting; should teach where and when trapping can or should occur; and can teach best management practices and protocols related to lethal, non-lethal, less lethal approaches and dispatching of captured animals.
- Discussion
  - Suggestions for pieces of a desired “Education Program”: Needs to be mandatory; needs to be in the field; needs FWP oversight – Instructors must be vetted including background check; participation by other interest groups in teaching and selecting instructors and involvement in curriculum development is strongly suggested and should be mandatory; encourage FWP to explore higher tiers of trapper education in the future once the initial class is established
  - We also encourage FWP and the US Forest Service to post signs at all public trailheads stating that fur trapping is in progress from... (dates). Include set back parameters where applicable.
  - Brochures should be distributed by FWP license agents condensing setbacks, trapping dates, trap free zones and other avenues to help make the public aware.
  - Include FWP Administrative Assistants in the education effort.
  - Consider geographical targeted education.
- Tentative Agreement – The group acknowledged that while their role is not to design the education program, they would like their suggestions considered and will depend on FWP to explain roadblocks, difficulties, etc., with suggestions.

H. What role should enforcement play? What can be done to help enforcement? What information do we need to inform recommendations related to enforcement and trapping?

- Guiding Principle - We believe that simplified consistent terminology is critical to uniform enforcement and data collection.
- Tentative Agreement – Discussion will continue.

I. What are the regulations for the Montana Department of Agriculture related to trapping on private land and how are those regulations different from FWP? What authority does FWP have on private land related to trapping? Where FWP does not have authority related to trapping, what can be done?

- Guiding Principle –
- Tentative Agreement –

J. How can we get useful data related to non-target species and how can we use it for useful analysis? How do we collectively define “non-target” species? What do we mean by “non-target” and “incidental”? What data is available related to incidental catch; what does FWP do when this happens? How can incidental catch data be more effective/accurate?

- Definition – “Non-target” capture is catching a protected species that is releasable. (CF page 6, col. 1)
- Definition – “Incidental take” includes out of season regulated, protected, non-releasable or dead; currently may or may not be reportable. (CF page 4, col. 2)
- Guiding Principle – We accept these definitions in accordance with Montana FWP statutes and regulations.
- Tentative Agreement – The Committee agreed to use pertinent definitions from FWP legal documents unless a member disagrees about a particular definition.

K. What does a “trap-free” zone look like and how/when might it be useful? What approach can/should be used for how death takes place for animals (still alive) caught in a trap – or for release from a trap? What do we need to discuss about 24 hour trap checks, mandatory trap checks, etc.? What might be alternative methods – lethal or non-lethal – that could be used in place of trapping – when, where, etc.? Are there changes we might want to consider related to trapping specific species (e.g., beaver, wolves) and specific regulations? Are there opportunities for expanding trapping?

- Draft Guiding Principle - We believe that trap free zones are a legitimate tool to reduce conflict but require clear criteria within which they are established
- Suggestions about trap free zones criteria:
  - Explore trap free zones in high use areas close to highly populated urban areas and areas of high public use (e.g., Bozeman Creek, Mount Helena).
  - Explore dog free zones in areas where dogs and other wildlife have conflicts.
- Tentative Agreement – The small group discussed the specifics that they felt could help sort out “criteria” if the full group goes in that direction.
- Tentative Agreement – The Committee agreed to have further discussion related to trapping and beaver and wolves, and specific regulations including the recommendations from the 1999 Trapping Committee report. (The group did not draft guiding principles related to the added questions.)

## **Where do we go from here?**

### **Calendar**

- The Committee confirmed the October 6, 7 meeting date and the Miles City location. John Vore will send us the meeting room location and travel arrangements once they are determined.
- Committee progress will determine the last date before the March Commission meeting.
- It also came to the attention of the Committee that one member will not be able to attend because of an important family event and that the event location did not have internet capability. The Committee stated their understanding related to that member’s choice. After some discussion, the group agreed that there would not be a proxy for that member; that the member could send in written comments, both on work summarized in the August meeting summary and in response to the October agenda; and that the other members will work to make sure that member’s “interests” are part of the discussion.

## Homework

Committee members are asked to do the following before the October meeting:

- Think about the concept of “fair standards”/”objective criteria” as assistance in finding solutions. For example:
  - What do other states, etc., or other hunting/outdoor activities do about promoting ethics?
  - What do effective trapping education programs look like in other states?
- Of the tentative suggestions recorded in the “work in progress” document, what unintended consequences might result?
- Come prepared to help brainstorm a range of Guiding Principles related to trap checks.
- So that you are conversationally literate,
  - Review the 1999 Committee recommendations.
  - Review the 2018 FWP Trapping Regulation
- Ask your “trapline” another question and be prepared to use their responses (as well comments from July) in the October meeting icebreaker.
- A member also requested that the following be added to the specifics in their “Important Questions” discussion:
  - Mandatory reporting
  - Consistency in setbacks; consistency in setbacks for water sets
  - Bobcat 10 day tag
  - Unclear regulation terms

FWP will:

- Make the agreed upon changes to the July meeting summary on the website
- Add any new data/documents to the website
- Send out articles, etc., from members to the rest of the Committee including emails if the author so desires
- Let the Committee know about travel arrangements/locations in Miles City for the October 6, 7 meeting

The facilitator will:

- Send the August meeting summary to John Vore along with the “Work in Progress” document
- Update the “Work in Progress” document after during and after each meeting
- Work with John to prepare the October meeting agenda