

MONTANA TRAPPING ADVISORY COMMITTEE

October 6, 7, 2018 (Meeting 3)

Session Summary

OBJECTIVES

1. For the public in attendance, affirm the Committee's Charter and roles in the process including the meeting's public comment time, and briefly review the collaborative process and timeline.
2. Continue learning about trapping in Montana.
3. Finalize "Guiding Principles".
4. Make progress on developing... coming to agreement on tentative outcomes per the individual "Important Questions".
5. Confirm a 4th meeting date and location and assign homework related to a 4th meeting.

COMPLETED AGENDA ITEMS

Getting Started

For the public in attendance, the Committee reviewed the following from their August 28, 29 meeting (Meeting 2) (see end of this document).

- 2018 Montana Trapping Advisory Committee Charter (see end of this document)
- The Committee's discussion ground rules (established by the Committee at their July 2018 meeting (Meeting 1))
- Steps in the facilitated interest-based collaborative process

Approving the August 28, 29 Meeting Summary

The Committee approved the August meeting summary and "Work in Progress" without correction.

Reviewing Distributed Data/Material

John Vore briefly reviewed material distributed through him since the August meeting including Zack's material sent in his absence.

Moving ahead on Specific "Important Questions"

The Committee spent the majority of the meeting making progress on the Important Questions as follows. That work is also documented in the Committee's "Work in Progress" document.

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.
- **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.
- **Agreement – Question B is completed.**

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.
- Guiding Principles:
 - We believe that “the rule of thumb” (heuristically) should be that created regulations are to be guided by concern for the viability of fur and animal harvest; enforceability; and humaneness concerns (not in rank order).
 - We believe fur harvesters should endeavor to minimize non-target capture and target animal injury while not drastically reducing capture efficiency.
 - We believe that humaneness is connected to and influenced by trapper expertise in terms of set, equipment and timing as well as capture time.
 - We believe that all trappers 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.
 - It was suggested that regulations could be more easily presented and understood in a chart form such as: Predators do's and don'ts; Fur bearers do's and don'ts; what happens on private land and on public land, etc.
- Tentative Agreements:
 - The Committee reached agreement on the Guiding Principles.
 - They also noted that those principles demonstrate the importance of mandatory Trapper Education and the Committee will have additional discussion about recommendations related to Question “C”.

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 believe that the effectiveness of any of our accepted recommendations should be evaluated every 5 years or sooner if a situation or data requires it.
- Guiding Principle - We believe that fostering communication among FWP, other state and federal agencies, cities and counties, NGO's, the Legislature and the public can result in reducing conflict related to trapping.

Question D cont.

- Tentative Agreement:
 - The Committee affirms the guiding principles.
 - The Committee also 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?

- Guiding Principle - We believe that ethical trapping is both following regulations as well as showing concern through behavior and choices for minimizing impacts to non-target animals, target animals and public sensibilities
- Discussion:
 - Wolf and furbearer regulations and language regarding non-target and protected species needs to be consistent if possible.
 - Match language and improve definitions so they are not confusing or seemingly opposing.
 - Match reporting regulations and require for protected species.
 - We need discussion about “injured” vs “uninjured”.
 - There should be consideration of “capture” technique vs “killing” technique and how humane dispatch/euthanasia happens – depending on the situation.
- Tentative Agreement – Regulations should be consistent where possible, practical and legal.

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.
- 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 ethical trapping include following Best Management Practices; creating a culture that acknowledges unethical behavior/works to combat it; mentorship.
 - Some trappers involved in predator control on private land work within their own agency’s jurisdiction and rules – and the Committee recognizes that they operate outside FWP jurisdiction.
- Guiding Principle: We recognize that education and enforcement are key to addressing negative trapping behaviors.

Question F cont.

- Tentative Agreement: After discussion, the Committee tentatively agreed on the following and they will also continue their work on recommendations related to Questions "F":
 - Mandatory Trapper Education should be pursued through the Legislature.
 - Enforcement entities need to be supported in terms of training and manpower.
 - Existing laws need to be enforced (e.g., Wanton Waste law).

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 mandatory trapping education program:
 - Needs to be mandatory, in the field, and with FWP oversight.
 - Instructors must be vetted including background checks.
 - Participation by other interest groups in teaching and selecting instructors and involvement in curriculum development is strongly suggested and should be mandatory.
 - The Committee also encourages FWP and the US Forest Service, BLM and State Lands to post signs at all public trailheads stating that fur trapping is in progress from ... (season dates); include setback 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.
 - Educate FWP administrative personnel as to information in the brochures.
 - Consider the value of geographical targeted education (e.g., urban vs rural; high use areas, etc.).
 - Committee discussion in this, the 3rd meeting, stressed other areas found in these notes that should be addressed/included in the mandatory education program.
 - The Committee discussed possible strategies for moving a mandatory Trapper Education Program forward. John Vore will discuss possibilities with the Department's Legislative liaison and how the Committee might assist in the effort. Kate, Dave, Shani, Tom and Pat volunteered to work on possible strategies.

Question G. cont.

- **Agreement:** The Committee will recommend and work collaboratively to support the creation and implementation of a mandatory trapper education program as follows:
 - A Trapper Education program should be mandatory with criteria set for who all would fall under the mandatory attendance.
 - No action is required in the regulations with the exception of citing the mandatory education program.
 - The group acknowledged that “mandatory” requires Legislative approval and that while their role is not to design the education program, they would like their suggestions considered.

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?

- **Agreement** – FWP does not have authority related to predator control trapping on private land. Question I is completed.

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 Agreements:
 - The Committee agreed to use definitions from FWP legal documents.
 - Obtaining useful/accurate information must be the “honor system”.
 - Education needs to be emphasized to promote its importance.
 - Discussion will continue.

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?

Question K. cont.Trap Free Zones

- 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.
 - Trap free zones should include trailheads, fishing access and campgrounds.
- Tentative Agreement – After discussion, the Committee affirmed the Guiding Principle. They will also continue discussion on any recommendations related to Trap Free Zones.

Dispatch

- Draft Guiding Principle –
- Suggestions related to dispatch:
 - “Dispatch” must be part of trapper education to include safe, humane, effective techniques.
 - The Committee discussed offering a “preferred”, “recommended”, “suggested” method but had disagreements on which word should be used.
 - The Committee agreed, that in most situations and when safe, practical and legal, a gunshot to the head is suggested.
 - A member asked if any techniques should be prohibited.
- Tentative Agreement:

Beaver

- Draft Guiding Principle – We believe that improved reporting of beaver harvest would allow better management of the species.
- Suggestions/discussion related to beaver
 - Knowledge/input is needed to direct reporting, season length, limits, relocation options (although this was not a goal or a request within this group)
- Tentative Agreement

Wolf

- Draft Guiding Principle
- Suggestions/discussion related to wolf
 - Issues included number of take, season extension, and allowing snaring.
 - Education needs to be in-depth and separate from regular trapping (wolf education occurring now)
- Tentative Agreement

Lion

- Draft Guiding Principle
- Suggestions/discussion related to lion
 - Might “take” be allowed with incidental capture (requires Legislative action)?
 - Why is there such a high incidental rate on cats and how might that situation be mitigated? We need information related to cats.
- Tentative Agreement

Question K. cont.

Bobcat

- Draft Guiding Principle
- Suggestions/discussion related to bobcat
 - There is a current 24 hour mandatory reporting requirement for bobcats.
 - The jaw is submitted with the pelt.
 - Members of the Committee proposed a change from tagging the pelt within 10 days of capture to within 10 days of season closure to save time and effort for FWP and trappers.
 - Committee members wondered if the same might apply to otter and swift fox.
 - FWP will do additional research on the proposal and report at the 4th meeting.
- **Agreement – Working with FWP, the Committee will include this in their recommendations.**

Non-Lethal Options

- **Agreement – The group agreed to drop this issue since it is not within FWP's role.**

Injury Assessment

- Guiding Principle
- Discussion:
 - Easy answer – open wounds, deviated bones, recumbency/weakness
 - Protected species – lynx, swift fox, grizzly, bald eagle, wolverine, migratory bird inclusions?
 - Other – golden eagle, any raptor?
 - Need instruction/direction on assessment
 - Need instruction/direction on safe restraint and transport for animals and for handlers
 - Need networking for rehab – especially in remote areas (practicality)
 - What should be justifications for humane dispatch at the scene?
- Tentative Agreement

What do we need to discuss about 24 hour trap checks, mandatory trap checks, etc.?

- Draft Guiding Principles
- Suggestions/Discussion/Options related to trap checks
 - Options include leave as is – 48 hour recommended with increased enforcement; do daily trap checks
 - Does the Department have the ability/capacity to enforce trap checking?
 - Humane concern is driving public sentiment.
 - Landowners may react negatively to frequent access to their lands if trap checks are daily.
- Tentative Agreement

Where do we go from here?

Taking the Committee's Temperature – Has the Committee made enough progress to continue and schedule a 4th meeting?

- Committee members said they wanted to finish/complete the process and agreed to schedule a 4th meeting January 31 and February 1, 2019 with a report/recommendations to FWP by March 2019.
- John Vore will find a location that is somewhat centrally located in the State.

Homework

Before the 4th meeting, Committee members are asked to:

- Read the Committee's October "Work in Progress" and come prepared to:
 - Complete the Important Questions; develop/come to agreement on Guiding Principles and recommended actions, etc.
 - Consider what unintended consequences could occur related to Committee agreements/recommendations and think about how to mitigate them if needed.
- Come prepared to offer Guiding Principles and interest-based options related to trap checks.
- A sub-committee of Kate, Dave, Shani, Tom and Pat will work to develop a strategy for moving a mandatory Trapper Education Program forward toward/through the Legislature and share that information with the rest of the Committee through email sent to John.
- Review and be prepared to offer thoughts/recommendations related to the 2018 Trapping regulations and the 1999 Trapping Committee report.
- Stay in touch with your trapline and expand your understanding of public sensibilities – trappers and non-trappers.

FWP is asked to:

- Add any new documents to the website including written public comment and send material to Committee members.
- Discuss possibilities for moving a mandatory Trapper Education Program forward with the Department's Legislative liaison and how the Committee might assist in the effort.
- Find a location for the 4th meeting, inform the Committee, and put the location on the website.
- Respond to requests from Committee members from this meeting (e.g., Bobcat reporting, etc.).

The facilitator will:

- Send the October meeting summary and "Work in Progress" document to John Vore by the end of the 2nd week of October.
- Work with John Vore to prepare the January 31/February 1 meeting agenda.

2018 Montana Trapping Advisory Committee Charter

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.**

Trapping Committee Discussion Ground Rules

- Listen actively and honorably.
- Manage your own communication (allow the other to finish; avoid side conversations).
- 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/seek solutions – rather than finding opportunities to further an agenda.
- Encourage data, science-based discussion and solutions; 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