

MONTANA TRAPPING ADVISORY COMMITTEE (TAC)
Convened in 2018 by Montana Fish, Wildlife & Parks (FWP)
Recommendations – April 2019

Introduction

The eleven members of the 2019 Trapping Advisory Committee (TAC) reached consensus on 14 recommendations. They were unable to come to agreement around mandatory trap checks and trap check intervals and proposals to use snares in wolf trapping or a trapper harvest of mountain lions. The Committee's recommendations are preceded below by the Committee's Charter and a set of guiding principles they established early in the process to describe collective beliefs and help narrow their analysis and decision space.

2018 MONTANA TRAPPING ADVISORY COMMITTEE CHARTER

Original Charter September 26, 2017 – revised May 2, 2018 to accommodate new dates

Hunting and trapping of managed species in Montana is highly regulated by Montana Fish, Wildlife and Parks (FWP) so that population viability of those species is protected. Yet trapping in particular has been and remains controversial. Therefore, Montana Fish, Wildlife and Parks 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 Trapping Advisory Committee will review the recommendations of the 1999 committee, 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.

Committee Members

Jim Buell – Gildford

Pat Hayes – Birney

Lance Hughes – Hobson

Dave Pauli – Billings

Kate Stone – Stevensville

Stephen Vantassel - Lewistown

Shelley Gilkey – Deer Lodge

Shani Henry – Helena

Matt Lumley – Emigrant

Tom Radandt – Libby

Zack Strong – Bozeman

Guiding Principles

- We accept and affirm our Charter from FWP.
- We agree that our desired outcome is to reduce conflict related to trapping.
- We recognize that sportsmen and women financially support wildlife management and believe trapping license fees and federal dollars received by FWP should continue to support trapping. We also believe there are opportunities for supporting industries to financially contribute to wildlife management and that trapping contributes to that economy.
- We believe that “the rule of thumb” should be: When regulations are created, they should be guided by concern for viability of fur and animal harvest; enforceability; and humaneness concerns (not in rank order).
- We believe all trappers should endeavor to minimize non-target capture and limit 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 the amount of time a live animal spends in a trap.
- 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.
- We believe all trappers should obey the law/regulations and guide their decisions in accordance with target species and purpose for capture with due regard for reducing non-target take.
- We believe that fostering communication among FWP, state and federal agencies, cities/counties, NGO’s, the Legislature and the public can reduce conflict related to trapping.
- We believe that any issue related to trapping is best addressed with a multi-faceted approach (e.g., education, regulation, enforcement, consequences, etc.).
- We believe a well-funded, well-organized education program for all interests helps enforcement; mitigates non-target capture; enhances reporting; teaches where/when trapping can occur; and teaches best management practices related to lethal and/or non-lethal approaches and dispatching of captured animals.
- We believe that trap free zones as well as pet free zones are legitimate tools to reducing conflict but need clear criteria for establishment and will require cooperative efforts among multiple governmental agencies in each location.
- We accept definitions in accordance with Montana FWP statutes and regulations.
- We believe that simplified, consistent, user-friendly terminology is critical to uniform enforcement and data collection.

Recommendations (not intended to be in rank order)

1. The Committee recommends statutory creation of a FWP Mandatory Trapper Education Program with criteria for mandatory attendance. (The group acknowledges that “mandatory” requires Legislative approval and that while their role is not to design the education program, they would like their suggestions considered. (See “Recommended Mandatory Trapping Education Program” document - Page 9 of this document.) The Committee considers mandatory trapper education as key to resolving many of the issues they discussed. Therefore, the Committee supports FWP in exploring the possibility of launching a voluntary Trapper Education Program until it can become mandatory through statute as well as working with the Montana Trappers Association in fostering better access to their education program.
2. The Committee recommends that FWP design and implement a more accurate and precise reporting system that includes: Reports of captures of fur bearers, raptors, pets and game animals; reports of average time between trap checks; number of traps stolen; number of trap sets molested by people; and number of times trappers were harassed. The Committee also suggests creating a tear-out reporting form within the regulation booklet that would facilitate trappers recording captures while the season is in progress; this form could be mailed to FWP at the end of the season. The system should be evaluated 5 years after implementation.
3. The Committee recommends that regulations be consistent, practical, clearly presented and understandable. Examples include:
 - The use of chart form such as do’s and don’ts;
 - The use of “blue/colored boxes” format so things stand out to the reader;
 - Clear trap free zones language;
 - Uniform, un-scattered information about a particular subject - where possible, all in one place;
 - Consistent “setback” language including language related to water setbacks in high use areas and high conflict areas;
 - Highlighting “new” regulations or changes to current regulations that might be missed by the reader;
 - Clarifying “notification” versus “permission”;
 - Making clear the regulations that apply to all;
 - Adding needed definitions like “dog at large”.
4. The Committee recommends the following change in trapping regulation language related to the treatment of Non-Target Species:

“Non-Target Species: Trapping or snaring of non-target species could constitute a violation of State law. A trapper encountering a protected bird or mammal found in a trap, regardless of injury, will notify a designated FWP employee for assistance in transporting that bird/animal to rehabilitation for assessment. Trappers finding an injured or dead non-target species in their trap must immediately notify a designated FWP employee for assistance to determine disposition and/or collection of the animal.”

5. The Committee recognizes that FWP's position is that it does not have authority over trapping of predators (defined as coyote, red fox and any other individual animal causing depredations upon livestock) when done for purposes of protecting livestock. However, to reduce confusion, the Committee recommends that FWP clarify and describe the "firewall"/difference between damage control and other kinds of trapping and the associated legal statutes, etc., in its regulations and education efforts as follows:

"Per MCA 81-7-101 and 81-7-102 Montana Fish, Wildlife and Parks does not have authority over trapping of predatory animals for purposes of livestock protection. This applies to livestock producers or their agents trapping for coyote, red fox and any other individual animal causing depredations upon livestock. Such persons trapping specifically for the purposes of livestock protection are exempt from any Fish, Wildlife and Parks trapping regulations. All other types of trapping are regulated by Montana Fish, Wildlife and Parks under MCA 87-1-201 and 87-1-301."

The Committee also recommends that FWP facilitate dissemination of information to all trappers including predator control trappers on methods that would reduce non-target capture.

6. The Committee recommends that FWP research and provide the trapping community with a list of humane dispatch options based on different situations, different species and legality. The Committee agrees that gunshot to the head, when practical and legal, is the most humane method of killing targeted trapped animals. An animal generally should be rendered unconscious before using kill techniques such as thoracic crushing or intra-thoracic injections (skunks only). The Committee further recommends that detailed instruction on techniques for humane killing be part of current and future trapper education programming.
7. The Committee recommends that any animal suspected of rabies or displaying neurological symptoms, be dispatched/killed using a method that avoids damage to the animal's brain so a rabies, etc., determination can be made if needed. In addition, the Committee recommends highlighting disease safety information in an obvious way in the regulations (i.e., "colored box", etc.), including recommendations for appropriate handling of disposal of tissues, etc.
8. The Committee recommends that FWP explore and where appropriate, use setbacks, trap-free zones, season setting, etc., as initial steps toward reducing social conflict related to trapping. In addition, FWP should:
 - Take the lead in collaborative efforts toward identifying, developing, and communicating about trap-free zones - using the TAC discussion points for initial guidance.
 - Participate in discussions related to pet-free zones; work collaboratively to publicize existing areas where pet activity is limited or not limited; and encourage enforcement of existing pet regulations.
 - Work with parties/communities to expand public outreach and education on "trapper-free or pet-free areas" (e.g., Outdoor Opportunities in Missoula Dog Owners Guide).

9. The Committee recommends and actively supports efforts to increase the amount of time wardens can spend on enforcement duties by removing limitations on warden time allotment related to allocation of Pittman-Roberson funds.
10. The Committee recommends that regulations be changed from tagging bobcat, otter and swift fox pelts within 10 days of capture to within 10 days of calendar season closure to save time and effort for FWP and trappers.
11. The Committee recommends that FWP determine recommended appropriate minimum pan tension on all ground sets on public land for bobcat and coyotes to reduce non-target capture and list them in the regulations.
12. The Committee recommends that FWP explore opportunities to establish expanded wolf trapping where warranted through: (1) reduced or eliminated setbacks under certain conditions; and/or (2) seasons within which an area is not, or is much less available to other users because of winter weather, closed public roads, etc., with attention paid to potential impacts on grizzly bears. These areas would have specific geographic descriptions, would be outlined in trapping regulations and would have clear signage and public notification.
13. The Committee recommends that FWP encourage wolf trappers not to use drags for wolves but anchor them solid either with an earth anchor or attaching the trap chain to a tree.
14. The Committee recommends that the effectiveness of its recommendations be evaluated every 5 years or sooner if a situation or data require it.

Issues Where the Committee Was Unable to Come To Agreement

Wolf snaring and Trapping Mountain Lions

While the Committee could not come to agreement on using snares to trap wolves or a trapper harvest of mountain lions, they are recommending that FWP explore opportunities to create trapping areas on the landscape where wolf trapping could be expanded without significant risk to the public through (1) reduced or eliminated setbacks under certain conditions; and/or (2) seasons within which an area is not, or is much less available to other users because of winter weather, closed public roads, etc, with attention paid to potential impacts to grizzly bears. These areas would have specific geographic descriptions, would be outlined in trapping regulations and would have clear signage and public notification.

Trap Checks

The Committee was not able to reach consensus on mandatory trap checks or trap check intervals. While group consensus was not reached, many members of the Committee felt strongly that their ideas and input should still be conveyed to the Department/Commission. The following is a compilation of group and individual Committee member products and comments related to trap checks.

Suggested Trap Check “Guiding Principles”

- We believe that traps should be checked regularly.
- We recognize that checking traps could decrease animal capture trauma.
- We believe that education is important to reducing social conflict.

Hard Facts” (and semi-hard facts)

- Wardens report that there is very little evidence of wanton waste as it relates to trapping and there have not been many citations for waste of furbearers in the last several years.
- Montana is diverse geographically with diverse weather. There are diverse recreation areas in the State with certain areas having higher use than others.
- Montana is one of only 3 states with no general mandatory trap check. Thirty-six states have a 24 hour or daily check. Montana does require a 48-hour trap check for wolves and in Lynx protection zones, bobcats. Current regulations encourage a non-mandatory 48-hour trap check. AFWA urges trappers to check traps every day.
- The 2019 Montana House FWP Committee tabled a 24-hour trap check bill.
- There are no reports of a leashed dog being caught in a trap although it was noted by some members that review of the data is warranted.
- Due to circumstances beyond one’s control, a trapper might not be able to get to his/her traps within a specified timeframe.
- Traps sometimes capture non-target mammals and birds.
- Starting in 2019, there is a center-swivel regulation on foothold traps.

Possible unintended consequences with mandatory trap checks

Reduced trapping engagement; reduced economic value; no real progress in protecting trapping; increased theft potential and more illegal trapping events; more hostility between trappers and enforcement; increased eyes in the woods; decreased trap abandonment; reduced predator control/increased livestock loss; more movement on land - increased ruts in roads; increased chance of gates being left open; improved trap efficiency; possible loss of access to millions of acres of private land to public access; loss of game animals with increased predators; limits public access to trapping wolves

Possible unintended consequences if we don’t have mandatory trap checks

Continues a talking point with the public; some thought that suffering of target and non-target animals will increase; loss of quality fur; potential dog injuries increased; reduced eyes in the field; increased abandoned traps; greater exposure to legal challenges under the Endangered Species Act (ESA); increased losses of non-targets

Desired outcomes related to trap checks

Come to agreement on trap checks or if not, forward our discussion/diverse perspectives to the Department in an effort to help inform their decisions.

“Fair standards” and “objective criteria” that might help the Committee get to an agreement

- There are currently mandatory 48-hour trap check requirements for wolves in Montana and bobcats in Lynx protection zones. Why not other species?
- Research standards and best practices have been well-established.
- Other states similar to Montana, implement, regulate and enforce trap checks.

Brainstormed/suggested alternatives related to trap checks

- Don't change from the current recommended 48-hour trap check interval.
- Set a specific hourly interval - daily; forty-eight to 96 hours (range suggested based on variance in other states)
- Set a weekly interval (e.g., Wyoming – weekly for snares; 72 hours for footholds)
- Vary based on trap type/species type - Target species specific; terrain specific; water or land trap specific; trap type specific; lethal/non-lethal (Foothold; conibear; snare – relaxing vs meant to kill); region specific.
- Set trap check based on land designation - public versus private. (What about limiting mandatory trap checks to public lands to ease some public concern?)
- Vary trap check requirements with local issues; limit mandatory checks to areas of high conflict.
- Investigate and support cost-effective, practical electronic trap checking including drones.
- Explore the concept of trapping districts – like hunting districts.

General summary of individual Committee member thoughts related to trap check

- A well-run educational program is the key to the issue – education, not regulation. Education is the best tool to avoid social conflict and non-target catches. The most effective way to achieve minimal non-target captures and most humane treatment of captured animals is a world-class, mandatory trapper education class with periodic, sensible informed discussions of equipment modifications.
- A voluntary trapper education model should be developed as an internet program and the information included in the written regulations. This program should also be used when/if legislation makes trapper education mandatory. Work with the Montana Trappers Association to offer more voluntary trapping education clinics until mandatory trapping education can be put in place. Support trapper education among, and with all groups.
- Require a daily (rather than 24 hour) trap check for restraining and killing traps – not for other traps. Make the requirement effective starting in 2024 to allow 5 years for trappers to prepare. The requirement would not apply to anyone experiencing undue hardship such as family emergency, inclement weather, etc. Within this requirement, a trapper may for any reason, authorize another trapper to check their traps if unable to do it himself/herself. (Seasons, quotas, bag limits, trap type restrictions, etc., are mandatory. Why then is “mandatory” not a standard for trap checking regulations?)
- Some trap check interval should be established, and my preference would be mandatory. For example, FWP could develop a “hybrid” trap check interval (i.e., designations that apply only to public land, or apply to non-lethal sets etc.
- Create a trap check rule that establishes equal value for wolves and eagles, owls, wolverines and other critical species. If a 48-hour voluntary trap check works for furbearers and a 48 hour mandatory trap check works for wolf and Lynx areas, why can't a 48 hour mandatory trap check work across the board?
- Current wording is adequate for checking traps. FWP should focus on setbacks in areas that have traditional or emerging social conflicts related to trapping.
- Avoid “mandatory” - use some other word like “required”. Reiterate that recommendations don't apply to predator control. Be clear about rules/penalties.

- In order to decrease non-target and raptor captures, create regulations that improve the specificity of traps and through the types of trap uses; where and what baits are used; and juxtaposition of traps to baits. Incorporate “know your target and beyond” language into the regulations to help avoid non-target species (i.e., If a population of eagles is present or domestic animals are in the area, set to avoid).
- Focus on specific areas of demonstrated conflict on public lands and avoid regulatory actions related to private lands.
- In order to increase clarity and understanding of regulations, FWP should develop GIS layers that operate on mobile platforms – using location and dates to inform the user what they can and cannot do.
- The Department should produce a pamphlet to explain the “wanton waste” statute/fine; include the lack of cases involving wanton waste; explain why the current 48-hour trap check is a good thing to be kept in place; and the virtues of a trapper education program – either mandatory or voluntary. The Department should use the pamphlet in response to anti-trapping comments they receive.

TRAPPING ADVISORY COMMITTEE
Recommended Mandatory Trapping Education Program
 February 2019

Who should be required to attend the Montana Mandatory Trapping Education Program?

While all individuals who trap in Montana are encouraged to complete Montana’s Trapper Education Program, the following individuals are required to complete the Program in order to purchase a Montana trapping license:

- Individuals under the age of 18, unless they have completed three years of the Montana Trapper Association Youth Trapper Camp Program.
- Individuals over the age of 18 and who have not purchased at least 3 Montana Trapping licenses since 2002.
- Anyone who has had a trapping violation.
- Additionally, it is recommended that FWP explore incentives for encouraging individuals to attend the Program and identify Department personnel would benefit from completing or participating in the Program.

What is recommended in terms of Program design and implementation?

- The Trapper Education Program should occur with FWP oversight and be separate from Hunter or Bow Education Programs. Wolf trapping certification could be included or offered separate from regular trapping certification.
- A Trapper Education Program must include field components - not just online.
- Instructors should be vetted with background checks by FWP.
- Participation by other interest groups in curriculum development and in teaching components of the class is recommended and encouraged. (Explore ways to compensate instructors – look at Hunter and Bow Education Programs).
- The Trapper Education Program should be offered within each FWP Region at least annually depending on numbers of interested students.
- Provide adequate funding/resources to implement the Program.

What is recommended to be included in Program content?

The educational goals are to reduce conflict both within and outside the trapping community; encourage a sense of pride as a wildlife sentinel and citizen “scientist”; encourage ethical behavior and trapper safety; and reduce non-target captures. Curriculum content should include (not in rank order):

- Information on current laws/regulations about trapping in Montana; regulatory structure (agencies, jurisdiction, authorities; role of wardens and FWP personnel; general public framework to assist, facilitate, inform on trap modifications); what is considered ethical behavior; how to identify/call out poor behavior
- Considerations of animal welfare (e.g., reducing risk of animal injury; safe releases; dispatch methods)
- General safety practices; disease
- Full range of considerations a trapper might think about to determine trap-check interval (e.g., species, location, potential for conflict; weather; waste, safety, etc.)
- Clear, consistent, simple concepts in each component including an ecological component.