

**MONTANA FISH, WILDLIFE & PARKS
HUNTING SEASON / QUOTA CHANGE SUPPORTING INFORMATION**

Species: Furbearers and Trapping and Wolf trapping
Region: Statewide
Hunting District: All
Year: 2019

1. Describe the proposed season / quotas changes and provide a summary of prior history (i.e., prior history of permits, season types, etc.).

FWP proposes to clarify the language for trapping setbacks on **public land roads and trails** by changing it to:

Proposed language for the furbearer and trapping regulations:

Roads and Trails – Ground sets including snares require a 50-foot setback from the edge of roads and hiking trails that are designated by administrative signs or numbers. **Exception:** Roads closed year-round to motor vehicle and OHV use are not subject to these setbacks, for instance, Kelly-humped roads that are inaccessible to motor vehicle and OHV use but are lawfully accessible by snowmobile.

Proposed language for the wolf regulations:

Roads and Trails – Ground sets require a 150-foot setback from the edge of roads and hiking trails that are designated by administrative signs or numbers. **Exception:** Roads closed year-round to motor vehicle and OHV use are not subject to these setbacks, for instance, Kelly-humped roads that are inaccessible to motor vehicle and OHV use but are lawfully accessible by snowmobile.

Current language refers to “open” roads, which is difficult to define and enforce, and language in the wolf regulations differs from that for furbearer and trapping by referring to “open to highway vehicle use at any time of the year.” In early 2019 FWP wildlife, enforcement and legal staff developed the proposed language, which is clear, simple and enforceable. It is consistent for both sets of regulations except that snares are not allowed for wolves and the setback is different.

To be consistent and better avoid conflict, the 50-foot setback would also apply to ground sets using 7 X 7 inch and larger body-gripping traps along country roads with no defined right of way. The current setback is 30 feet from the center of the road.

It needs to be remembered that these setbacks only apply to public land and do not apply to private land.

2. What is the objective of this proposed change? This could be a specific harvest amount or resulting population level or number of game damage complaints, etc.

The objective of this proposal is to make the definition of a road or hiking trail clear, understandable and enforceable. The previous definition used the word “open”, which was subject to various interpretations, the most common being: if the road is legally “open” but impassable to most vehicles because of snow is it still open? With the proposed language, a road that has an administrative sign and/or a road number, either on the ground or on an agency map, requires a setback.

The proposed language also refers to motor vehicle and OHV, both of which are defined in statute. The proposed language is clear as to what vehicles it refers to.

3. How will the success of this proposal be measured? This could be annual game or harvest surveys, game damage complaints, etc.

Success will be determined by fewer questions and requests for interpretation from the public to wardens, biologists, front office and legal staff. It will also make it clear for the public, wardens and judges.

4. **What is the current population’s status in relation to the management objectives? (i.e., state management objectives from management plan if applicable; provide current and prior years of population survey, harvest, or other pertinent information).**

NA

5. **Provide information related to any weather/habitat factors, public or private land use or resident and nonresident hunting opportunity that have relevance to this change (i.e., habitat security, hunter access, vegetation surveys, weather index, snow conditions, and temperature / precipitation information).**

Because of its clarity and unambiguous language, this proposal may impact some trappers who previously interpreted the word “open” to mean something other than administratively designated as open to motor vehicle and OHV use.

6. **Briefly describe the contacts you have made with individual sportsmen or landowners, public groups or organizations regarding this proposal and indicate their comments (both pro and con).**

The proposed language has been thoroughly vetted with FWP’s Hunting and Trapping Regulations Review Working Group (HTRRWG). The HTRRWG was convened by Director Williams in 2017 to review FWP’s hunting and trapping regulations and suggest changes for “... clarity, consistency, and conformity with rules and laws.” The group is made up of 15 FWP staff representing Administration, Enforcement, Communications and Education, Legal, Technology Services, Fisheries, Wildlife and Licensing, all of whom have experience dealing with regulations that are not clear and precise.

Submitted by: Game Management Bureau, Legal and Enforcement Staff, and the Hunting and Trapping Regulations Review Working Group.

Date: May 14, 2019

Approved: _____
Regional Supervisor / Date

Disapproved / Modified by: _____
Name / Date

Reason for Modification: