



Wildlife Division  
PO Box 200701  
Helena, MT 59620-0701  
June 19, 2019

Dear Interested Person:

Montana Fish, Wildlife & Parks (FWP) is requesting public review and comment on the following items. Supporting information on these items can be found on our website under “Opportunity for Public Comment” at [fwp.mt.gov/hunting/](http://fwp.mt.gov/hunting/) or directly by using the links below.

### **2019 Trapping Regulations and Quotas**

FWP is proposing nine items for the Furbearer and Trapping and Wolf trapping regulations as outlined below. These are jointly proposed and supported by FWP wildlife, enforcement and legal staff.

- Change language for setbacks on public land roads and trails to: **“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.” [Note: snares would not be mentioned in the wolf regulations because they are not legal for wolves, and the setback for wolves would be 150 feet].

To be consistent and better avoid conflict, the 50-foot setback would also apply to ground sets using 7X7- inch and larger body-gripping traps along county roads with no defined right of way. The current setback is 30 feet from the center of the road.

- Change pelt-tagging requirement for fisher, otter, bobcat and swift fox from within 10 days of harvest to within 10 days of the calendar close of season.
- Require furbearer and wolf trappers to report all non-target captures. Define “non-target capture” as: “The capture of any animal that cannot be lawfully trapped, including domestic animals, must be reported to FWP within 24 hours. Any such animal that is uninjured must be released prior to the trapper leaving the trap site. If unable to safely release the animal, call FWP. **Exception:** Any such animal that is injured or dead must promptly (with little or no delay) be reported to FWP to determine disposition and/or collection of the animal.”

Animals that may be lawfully trapped are furbearers or wolves for which the season is open and an individual possession limit has not been reached, nongame wildlife and predators. A trapper may NOT trap any game animal, game bird or migratory bird.

- Remove the word “incidental” from the regulations and replace with the more accurate “excess take” defined as the take of a legally harvestable species after the season is closed or an individual’s possession limit has been met.
- Formally adopt the current language for ground set, water set and relaxing snares.
- Clarify the definition of a center swivel to be: “A swivel located on the underside of the trap as near the center of the base plate as reasonably possible. The swivel can be attached directly to the base plate at the center, attached to a D-ring centered on the base plate, or can be included in the chain at a point no more than five normal chain links from a centered D-ring or base plate attachment point at the center.”

- Lower fisher quota in the Cabinet Fisher Management Unit from one to zero.
- Create a personal marten quota in Region 1 of 10 per trapper.
- Lower bobcat quota in Region 2 from 200 to 150

### **2020 Nongame Check-off Workplan**

Under the provisions of 87-5-122, MCA, “the FWP Commission shall review and annually approve the nongame wildlife program’s projects recommended by the Department for funding from the nongame wildlife account. The commission shall provide for public comment during the review and approval process.” While final 2018 tax year donations are unknown at this time, the average received by FWP from the 2004-2017 tax years was \$30,000-\$40,000/year. FWP is proposing some combination of the following work in FY20 dependent on the final allocation:

<b>\$10,000</b>	Non-federal match for State Wildlife Grants to support the statewide avian conservation coordinator.
<b>\$5,000</b>	Inventory, monitoring, and conservation work on Montana Species of Concern and species in need of inventory as determined through a formal ranking process.
<b>\$10,000</b>	Match to federal dollars for disease control of sylvatic plague in the interest of prairie dog and black-footed ferret conservation.
<b>\$5,000</b>	Match to federal dollars for incentivizing private land conservation projects.
<b>\$5,000</b>	Wildlife viewing and outreach projects that encourage more Montanans to appreciate Montana wildlife.
<b>\$5,000</b>	Competitive graduate student stipend for nongame research.

### **2019 HB 454/43 Hunting Access Agreements**

Under the provisions of 87-2-513 MCA, FWP received the authority to issue either-sex or antlerless elk permits to landowners for management purposes. House Bill 43 in the 2019 Legislature changed the statute so that these agreements no longer require commission approval, which was a previous requirement, and that landowners may get a free elk license in addition to their permit if they choose. The permit is only valid on their property. If they choose a free license, it also is only valid on their property, but an elk license purchased separately is not subject to that restriction. Additionally, HB 43 specified that the public hunters granted access for hunting be selected from successful applicants for those permits. In the past, FWP issued permits to unsuccessful applicants. The access opportunity will be offered to randomly selected permit holders. Under the new procedure, FWP will draft agreements and put them out for public comment. After the public comment period, FWP will make recommendations to the FWP director for final decision.

Under these contractual agreements, the landowner must offer free public elk hunting, meet the various conditions of the statute, and enter a public elk hunting access agreement with FWP. The contract defines the areas open to public elk hunting, the number of elk hunting days that will be allowed on the property, and other factors that FWP and the landowner consider necessary for the proper management of elk on the landowner's property.

There are two agreements being considered for 2019: the John Swanz Ranch and the Robert Lee Ranch. Both agreements specify one 411-20 either-sex permit for the respective owner or a family member or an authorized full-time employee. Landowner permits are valid only on their enrolled properties. The Swanz agreement was first used in 2002 and the Lee

agreement in 2015. Each has been reapplied annually since those dates based upon continued positive post-hunt evaluations.

In turn, for each of the properties, FWP will notify four public 411-20 permit holders of the access opportunity. Public hunters are offered the opportunity to hunt on the enrolled property but may also hunt anywhere else the permit is valid. If any of the public hunters declines the opportunity it will be offered to the next randomly selected permit holder.

### **TO MAKE A COMMENT**

For further clarification or additional materials, you may call the Wildlife Division office at 406-444-2612 or email at [fwpwd@mt.gov](mailto:fwpwd@mt.gov). Comments will be accepted: online by using any of the links below; in writing sent to the address above; and by email to [fwpwd@mt.gov](mailto:fwpwd@mt.gov).

### **COMMENT PERIOD DEADLINE & FINAL ADOPTION MEETING**

All proposed items will be accepting public comments until **Sunday, July 14, 2019 at 5 p.m.** with final adoption at the **August 15th** Commission Meeting.

#### ✓ **2019 Trapping Regulations and Quotas**

<http://fwp.mt.gov/hunting/publicComments/2019/trappingRegsAndQuotas.html>

#### ✓ **Nongame Check-off Workplan**

<http://fwp.mt.gov/hunting/publicComments/2019/nongameCheckoff.html>

#### ✓ **2019 HB454/43 Hunting Access Agreements**

<http://fwp.mt.gov/hunting/publicComments/2019/huntingAccessAgreement.html>