

February 14, 2005

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EXHIBIT 28  
DATE 2-17-05  
HB 603

TO: FWP Standing Committee  
FROM: Fran Buell, Education Coordinator, Montana Trappers Association  
PO Box 133, Gildford Mt 59525 (406) 376-3178 [7mbuell@ttc-cmc.net](mailto:7mbuell@ttc-cmc.net)

Dear Sirs

Attached please find the recommendations of the Trapping Advisory Council (TAC) which was appointed by the MT Dept of FWP Commission in 1999. The TAC Committee consisted of 12 people which included trappers, veterinarians, dog trainers, ranchers, FWP personnel and concerned citizens. As you can see by this document, many of the requests in HB 603 have been addressed and acted upon by the MT Dept of FWP.

Concerning the implementation of "best management practices" (BMP) there is only one BMP document at this time and it is for the Eastern Coyote of the United States. As quoted in a side bar of the BMP's, "the BMP's are an on-going work that may change as existing trap models are improved and additional models are tested." It would therefore be impractical to try to implement BMP's in Montana if no definable criteria exist for the western United States.

In regards to mandatory trapper education, The Montana Trappers Assoc. established an education program in 1980, (MTEP). Since then the MTA has conducted numerous volunteer MTEP classes throughout the state. In April of 1993 the 1992-93 legislature appropriated \$20,000.00 of federal PR monies to be used in the development of a Trapper Education Program for the following 2 years. (See attachment ).

In 1998 I was appointed the MTEP Coordinator for Montana and have been working with Thomas Baumeister, FWP Hunter, Bowhunter and Trapper Education Coordinator. I have kept fiscal year records of MTEP In-kind services provided by the MTA, number of students certified and the number of people educated in Outreach activities. Since my tenure, 1509 students have been certified as taking an MTEP class and 144,855 people in the public sector have been educated about trapping. There has been \$107,606.77 generated in In-kind services used in the MTEP by members of the MTA. The MTA has recently revised their MTEP Instructors Manual so it is more complete and easier to work with than previously. To date the MTA currently has 26 certified MTEP Instructors throughout the state. If the legislature were to mandate trapper education there would be a definite need for more instructors. If the Department would choose to use non-trapping instructors, they would need to be trained in the following to be effective:

1. proper land and water set placement
2. proper baits and lures used for specific species
3. knowledge and proper use of all trapping equipment
4. knowledge of current furbearer regulations
5. proper fur handling which would include skinning, fleshing, stretching and preparing pelts for sale
6. Spend several days with a seasoned trapper, which may entail dawn to dusk and 100mi-200mi trapline.

I have outlined just a brief idea of what would be involved if the amendments to HB 603 were passed. The MTA works tirelessly to educate trappers and the public about trapping and as with any activity which takes place in Montana's outdoors, there are always those who abuse these activities, be it a hunter, trapper, recreationalist etc.

Therefore, since many of the amendments suggested in HB 603 are already in place, I ask that you carefully consider your decision and table or vote No to the amendments on HB 603. Please let the MT FWP continue to work with the MTA as they have in the past to educate the public.

If I can be of further assistance to you on this matter, please feel free to contact me.

*Fran Buell*

Brian Giddings, State Furbearer Coordinator  
1420 East Sixth Avenue  
Helena, MT 59620

April 16, 1993

Mr. Leon Vanek,  
President Montana Trappers Association  
Route 3, Box 3101  
Lewistown, MT 59457

Dear Mr. Vanek:

1. At the request of the department, the 1992-93 legislature appropriated almost \$20,000,00 of federal PR monies to be used in the development of a Trapper Education Program in the state during the next two years. Based on a 75/25 match, MTA is required to contribute \$2,500.00/year of cash or in-kind services such as volunteer instructor time and expenses.

The department will administer the funds at the request of the MTA education committee. MTA will develop the program structure and course outline utilizing certified instructors. Courses will be offered in each district beginning this fall.

The goal of the Montana Trapper Education Program is to maintain trapping as a viable wildlife management tool through promoting safe, legal, ethical and humane trapping practices.

This program demonstrates the commitment of Montana trappers to education over further regulation as the means to maintain trapping as an accepted wildlife management strategy in the eyes of the general public. In addition, it provides the best opportunity for the public to develop a greater understanding and appreciation for the role of fur harvest and trappers in the management and conservation of Montana Furbearers and their habitats.

## TRAPPING ADVISORY COMMITTEE REPORT May 17, 1999

**Trapping Advisory Committee's Charter:** *"Identify recommendations for the Director's consideration to minimize conflicts between land-use practices, outdoor recreation and trapping."*

In keeping with the charter and the understanding that trapping is an "appropriate activity" and a sound wildlife management practice, the following recommendations approved by the Trapping Advisory Committee (TAG) are proposed to minimize conflicts, while maximizing trapping opportunities. To provide maximum benefits to society, pet owners, outdoor recreationists and trappers must become more educated and responsible for their activities. Due to the dramatic increased activity within public areas, it has become necessary to place restrictions on dog-owners and recreationists as well as the trappers. There have been comparatively few reported catches of non-target animals by trappers. However, public perception is that dogs and other pets, livestock and wildlife are being caught in traps at alarming rates. The committee recognizes these concerns and addressed them in the following recommendations.

TAC REQUESTS THE FISH, WILDLIFE AND PARKS COMMISSION TO MAKE SEVERAL REVISIONS TO THE EXISTING FURBEARER REGULATIONS.

1) Adopt the following definitions to provide additional clarification:

**Water Set** - Any trap originally set in or on any body of water. This shall include traps on floats in the water and those that are set with a minimum of one third of the trap submerged. In addition, for purposes of these regulations, the term water set shall apply to traps set on beaver dams, in bank holes and in the water at bank slides. This shall not apply to temporarily standing water resulting from any cause, such as rainfall, snow runoff or flooding. (10/0)\*

**Ground Set** - Any trap originally set in or on the land (soil, rock, etc.). This shall include any traps elevated less than 36 inches above the natural ground or snow level. (10/0)-

**Other Sets** - This shall include any set not defined as a water or ground set, including without limitation, elevated sets originally set 36 inches or more above natural ground or snow level. (10/0)

**Publicly Owned and Maintained Road** - A road owned by a subdivision of the government, including city, county, state or federal government and maintained by the government for year-round, legal car and light truck traffic. (9/1) -

2) Rescind the current regulation for **Conibear Ground Sets**. As an alternative to that regulation, adopt the following regulation:

**Body Gripping Ground Sets:** On public land, ground sets using 7x7 or larger body gripping ground traps must have a trigger recessed a minimum of seven (7) inches within a secure enclosure that provides openings no greater than fifty-two (52) square inches each. (6/3)

3) Rescind the current regulation that prohibits trapping on the **Right of Way** (8/1) of publicly maintained roads and the current regulation that specifies **Conibear Setbacks** (9/1). As an alternative to those regulations, adopt the following regulation:

**Ground Sets Along Public Roads:** Ground sets using 7x7 or larger body-gripping traps are prohibited within thirty (30) feet of the centerline of any publicly owned and maintained road. An exception to this requirement, to be granted by FWP, should be allowed for damage control where there is a need to address specific problem situations, provided the area is posted. (10/0)

4) Adopt the following regulations to reduce user conflicts in high use and urban interface areas:

**Occupied Dwellings:** Ground set traps are prohibited within 1000 feet of an occupied dwelling without written notification of the occupant. (9/1)

**Public Campgrounds:** Ground sets, including snares, are prohibited on public land within 1000 feet of a designated public campground or fishing access site, except for human health and safety. (10/0)

**Cross Country Ski Trails:** When using a body gripping ground set during times normally used for skiing, a 30-foot setback is required along designated public land cross-country ski trails. An exception to this requirement, to be granted by FWP, should be allowed for damage control where there is a need to address specific problem situations, provided the area is posted. (10/0)

**Hiking Trails:** When using a body gripping ground set, a 30-foot setback is required along public land, non-motorized trails with designated trail heads that are actively used for hiking during the trapping season. An exception to this requirement, to be granted by FWP, should be allowed for damage control where there is a need to address specific problem situations, provided the area is posted. (7/3)

5) When considering amendments to current regulations, the Committee recommends that the department and the Fish, Wildlife and Parks Commission place greater weight on comments from identified Montana residents than on comments from non-residents or anonymous e-mail due to the fact that wildlife belongs to Montanans. (10/0)

**TAC REQUESTS THE FISH, WILDLIFE AND PARKS COMMISSION TO RETAIN SEVERAL EXISTING FURBEARER REGULATIONS.**

6) TAC recommends that there be no change to the language in the current regulations with respect to trap checks. Mandatory trap checks are not necessary because the recommendations on education, improvements to devices, urban interface area restrictions, mandatory trapper education, and existing wasting of fur laws adequately address concerns related to trap check. (8/2)

7) TAG recommends no change to the language in the current regulations with respect to exposed bait because the current rule seems to protect raptors, based on data provided by FWP and the Bald Eagle Working Group. (9/1)

8) TAG recommends that no action be taken by the Commission to restrict trapping on muskrat huts and beaver lodges because more information is needed to indicate whether this is a problem in Montana. (8/2)

**TAG BELIEVES THAT CONFLICTS BETWEEN TRAPPERS AND NON-TRAPPERS CAN BE REDUCED THROUGH IMPROVED INFORMATION AND EDUCATION REGARDING GOOD TRAPPING PRACTICES.**

9) Require completion of a trapper education program for all individuals under the age of 18, and individuals obtaining their first Montana trapping license, and all trappers convicted of violating FWP regulations. People required to take this training will have completed the training no later than 11/1/02. (10/0)

10) Require breakaway devices for snares: Gregson breakaway snare lock, Hopkins "S" hook, shear pin breakaways, Amberg stop button breakaway, or any other lock that can be shown to break away at no more than 350 ft. lb. pressure. [To be in effect no later than 11/1/02] (10/0)

11) Require offsets (3/16" or larger) for all foothold traps, size 1 3/4 or larger, that are used in ground sets. [To be in effect no later than 11/1/02] (9/1)

12) Request that FWP and the Montana Trappers Association develop a general information brochure to include such information as: traps and snares, how to release domestic animals, responsible pet practices, benefits of trapping and trapping seasons. It could be distributed by all multiple use land agencies and at the time of obtaining other licenses and permits. (10/0)

13) Include trapping information on Block Management maps and materials. (10/0)

14) Request the Montana Trappers Association develop "Trapping in Progress" signs and make them available to trappers and landowners. (10/0)

15) Request that FWP will work cooperatively with the Montana Trappers Association to get information out to the public on the benefits of trapping. This could include, but is not limited to, media spots, displays, brochures and other methods. (10/0)

**TAC BELIEVES THAT CONFLICTS BETWEEN TRAPPERS AND NON-TRAPPERS CAN BE REDUCED THROUGH ADOPTION OF POLICIES THAT ADDRESS SPECIFIC PROBLEM AREAS.**

16) Require FWP to establish trapping policies for problem areas on public lands. Trapping policies should establish "trapping only" and/or "trap-free" areas and periods to prevent conflicts between trapping and other recreation and to protect public health and safety. (10/0)

17) Increase the penalties for violating the current regulation pertaining to theft of traps and fur (87-3-507 MCA). Violators who break this law should be fined and ordered to pay restitution for fur or traps that are disturbed, destroyed or stolen. (10/0)

18) Include information on regulations addressing tampering with traps in hunter education. (10/0)

19) Request that the Fish, Wildlife and Parks Commission ask land management agencies to post highly visible, permanent signs at entrances to public areas and trail heads, stating that trapping may be in progress. (10/0)

20) Request that the Fish, Wildlife and Parks Commission ask the State Land Board to add a sentence to the State Land Recreation Permit alerting users that trapping may be occurring on state lands. (10/0)

TAC's draft recommendations included a proposal to require all users of non-federal public land to obtain a Conservation License. TAC determined that this proposal was not appropriate at this time. Even though TAC withdrew this proposal, TAC felt that it was appropriate to advise FWP that the purpose for the draft recommendation was to provide a means to identify and license people who are engaged in general recreation; provide a method to enforce general recreation violations; and, use licensing as an additional point for the dissemination of information. In that regard, TAC requests that FWP consider developing recommendations for the licensing of general recreation.

**TAC IS CONCERNED ABOUT THE FUTURE OF TRAPPING.**

21) Support a Constitutional Initiative to make it an inalienable rights for Montana residents to legally take fish and wildlife in Montana, under regulations established by the Fish, Wildlife and Parks Commission, unless convicted of a felony. (7/3)

\*TAC vote recorded in parentheses