



# MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

**Meeting Date:** October 17, 2019

**Agenda Item:** Trapping Setbacks for Roads and Trails Regulation

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 30 minutes

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**Background:** In August, the commission adopted trapping setbacks on public land for all roads and trails designated by administrative signs or numbers except for roads closed year-round to motor vehicles and OHVs. The newly adopted language is more clear, simple, and enforceable than the previous language. It eliminated a reference to “open” roads, which was subject to interpretation, the most common being: If the road is legally “open” but impassable to most vehicles because of snow is it still open? In early 2019, FWP staff developed the language that was adopted, which states that a road that has an administrative sign and/or road number, either on the ground or on an agency map, requires a setback except if it is closed year-round. The new language did not change application of the setbacks on the ground but stated more clearly where they apply.

The 2018 language in the Wolf regulations (furbearer regulations are similar but speak to a 50-foot setback instead of 150 feet) compares to the 2019 language as:

**2018 Language:**

**Roads and Trails** – Ground sets including snares require a 150-foot setback from the edge of roads open to highway vehicle use at any time of the year and hiking trails that are designated by administrative signs or numbers. Roads closed year-round to highway vehicles are not subject to these setbacks, for instance, kelly-humped roads that are inaccessible to highway vehicles but are accessible by snowmobile.

**2019 Language:**

**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.

However, no general regulation can address every circumstance. Permanently closed roads not subject to setbacks that have become popular hiking trails remain an issue because they may be heavily used by hikers and skiers accompanied by dogs. An example is Sourdough Road number 979 south of Bozeman. Therefore, FWP requests time for regional staff to work with local publics to expand the list of specific roads and trails that require a setback that is found in both the Furbearers and Trapping and the Wolf regulations. Said list could be periodically updated. This approach was strongly recommended by the Trapping Advisory Committee and represents a way that the desires of trappers and recreationists alike can be accommodated.

**Public Involvement Process & Results:** Previous to the August adoption of the 2019 language it was out for public comment from June 19 until July 14, and we received 140 comments. Many of the comments spoke to wanting setbacks on all public roads and trails regardless of being closed or open to motor vehicles. Because of public comment since adoption, the commission has chosen to revisit the decision.

**Proposed Motion:** I move the commission direct the department to work with public stakeholders to expand the list of specific roads and trails in each region that require a setback. Said list is to appear in both the Furbearers and Trapping and the Wolf regulations and be proposed to the commission at the next meeting that addresses trapping regulations, usually in June.