



## 2024 TRAPPING AND HUNTING REGULATION CHANGES

### Proposed Changes

Note: *New language is in italics and underlined.* Deleted language is indicated by a ~~strikethrough~~. Suggestions for emphasized text is **bolded**. Page numbers have the appropriate regulation referenced.

#### **Add clarifying language:**

Page 2 of 2023 Trapping and Hunting Regulations

Definition of Ground Set (CR) should be amended to add “snare” and to include verbiage moved from page 7 under Traps (CR) to this definition:

- **Ground Set (CR)** - Any trap *or snare* originally set in or on land (soil, rock, etc.). This includes any traps elevated less than 48 inches above the natural ground or current snow level. *Two swivels, including a center swivel on the base of the trap, are required for all ground set foothold traps. 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 the point to more than five normal chain links from the centered D-ring or base plate attachment point at the center.*

Justification: Clarification for users, as citations have been issued based on misunderstandings. Throughout the regs we list trap AND snare. The first italicized addition makes sure that snare is included in the definition of ground set even though snare is included in the definition of trap. This clarifies our intent to include snares as a ground set. The second addition pulls language from page 7 where it has been confused with only applying to wolf trapping, which is not the intent. This happened when we combined the wolf and furbearer regs. The swivel regulation is intended to be for all ground sets and this clarifies the intent and places it in a more applicable location in the regs.

#### **Add language from other species regulations:**

Add Littering definition MCAs from Deer/Elk regs to Trapping regs under Laws and Rules section stating on page 4:

- *Littering (MCA75-10-212, 87-6-920) – It is unlawful to dump or leave any garbage, dead animal, or other debris or refuse:*
  - *In or upon any highway, road, street, or alley of this state:*
  - *In or upon any public property, highway, street, or alley under the control of the state:*
  - *Within 200 yards of a public highway, road, street, or alley or public property:*

- On privately owned property where hunting, fishing, or other recreation is permitted:  
A holder of a Montana resident or nonresident fishing or hunting license or camping permit convicted of littering campgrounds, public or private lands, streams, or lakes while hunting, fishing, or camping shall forfeit any current hunting, trapping, or trapping license issued by this state and the privilege to hunt, fish, camp, or trap in this state for a period of 1 year from the date of conviction.

Justifications: The above proposed addition is in response to trappers using roadkill carcasses as trapping bait. The regulations are in the elk-deer-antelope regs but now in the trapping regs but they are applicable to trapping when trappers are wanting to use animal parts as bait, move them, or dispose of the parts. There was a long conversation regarding this change which involved going between the trapping and deer/elk regs. This puts the information in one spot for trapping.

**Clarify definition:**

Amend wording for the definition of Occupied Dwellings (CR) on page 6.

- Occupied Dwellings (CR) – All neck snares and body gripping ground sets ~~Killing ground sets, including snares,~~ set for animals larger than ground squirrels are unlawful within 1,000 feet of an occupied dwelling without written notification to the inhabitant.

Justification: We don't define "Killing ground set" anywhere in the regs so the current regulation for occupied dwellings is left open to interpretation. This explicitly defines the traps that are considered "killing ground sets" of which we want excluded from being set near occupied dwellings.

Add language to Non-target Capture Requirements (CR) on page 6:

**Non-target Capture Requirement (CR)** – The capture of any animal that cannot be lawfully trapped or snare, 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..... A trapper may NOT trap any game animal, game bird, or migratory bird. The department shall notify the commission upon the reported non-target capture of any lynx, wolverine, or grizzly bear.

Justification: Due to the sensitivity of species listed under the ESA, the department would like to keep the commission informed of any non-target captures of lynx, wolverine, or grizzly bear.

**Clarify definition:**

Amend wording of Traps (CR) on page 7 since it talks mostly about wolf traps:

- Wolf Traps (CR) – Ground set foothold traps and snares are lawful methods during the wolf trapping season. The inside jaw spread of foothold traps must not exceed 9 inches. Wolf foothold pan tension must be a minimum ~~trap pan tension setting~~ of 10 pounds is

~~required in Regions 1, 2, 3, 4, & 5 for traps set targeting wolves. Two swivels, including a center swivel on the base of the trap, are required for all ground set foothold traps. 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. Conibears may not be used to take wolves.~~

Justification: We currently have an MCA definition of “Trap” and this CR definition of “Traps.” The confusing combination here happened when we combined the trapping and wolf regs. This current section talks about wolf traps but has a section that is supposed to be applicable to ALL ground sets. We have taken that language from this section and added it to the definition of ground sets as proposed above. This clarifies the intent of this regulation and then changes this to a definition of “wolf” traps to note the difference from other species traps such as the 10 lbs of pan tension.

### **Clarify definition:**

Add clarifying language to Furbearer Pelt Tagging/Inspection (CR) on page 8:

- **Reporting Requirements (CR):** Trappers *and bobcat hunters* are required to personally present the pelts of fisher, bobcat, otter, marten, and swift fox, for tagging to an FWP employee within 10 days of the calendar close of the season. Trappers *and bobcat hunters* are required to provide harvest registration data for fish, bobcat, otter, marten, and swift fox at the time the pelt is presented for tagging. Trappers *and bobcat hunters* unable to comply.....

Justification: This proposed change keeps it consistent with the wolf section for pelt tagging and inspections but since you can only hunt bobcats and not any other furbearers, this change makes it clear that bobcat hunters DO also have to participate in pelt tagging and inspections, not just trappers.

### **Clarify intent:**

Clarify the language for the beaver damage permitting process on page 11:

- Beaver that have been lawfully trapped can be dispatched with a firearm. Beaver that have not been trapped cannot be taken with a firearm, except as outlined below in damage situations.
- Owners and lessees of property being damaged by beaver or muskrat as described in MCA 87-6-602(2) may request a free permit to remove beaver or muskrat and may remove beaver or muskrat without a permit between June 1 – Aug. 31. Please contact an FWP employee in your administrative region for further information and to request a damage control permit.
- A person participating in a beaver or muskrat damage complaint must have in their possession the damage permit issued to the landowner (or a copy thereof) during control

activities. Damaging beaver or muskrat may be removed by trapping or shooting. A person may possess beaver or muskrat under the damage permit.

- **Damage permits are only valid for the harvest of up to 10 animals (combined beavers and muskrats) at the location/property specified on the permit. Only those animals that are causing the damage for which the permit was issued may be taken under the damage permit. The damage permit expires May 31 after the date of issue.**

Justification: Beaver damage permits have been very loosely regulated to date. The added language reiterates what is already on the permit but places it in the regulations for clarification both for FWP staff that issue the permits and for permit holders.

### **Clarify intent:**

Add wording under Wolf Quotas section on page 15:

- Statewide, region-specific, and WMU 313 specific harvest quotas have been established. When a quota is reached, all hunting and trapping for the state, the region and/or WMU 313 will close upon a 24-hour notice, but no later than March 15, 2024. ~~The Fish and Wildlife Commission shall initiate a review with potential for rapid in-season adjustments to hunting and trapping regulations should the following occur: a harvest of wolves within 25% of the quota be reached in Regions 1, 2, or 3; or a non-target capture of one lynx or one grizzly bear.~~ Wolf Harvest Monitoring: Harvests will be updated on the MTFWP website at [myfwp.mt.gov/fwpub/speciesHuntingGuide](http://myfwp.mt.gov/fwpub/speciesHuntingGuide) between 11am and 1 pm daily.

Justification: This last year we captured two lynx in bobcat traps and although this current language is under the “wolf trapping” section, it wasn’t clear if we needed to meet with the commission since the language didn’t specify take specifically from wolf trapping. Language has been added earlier in the regulations to indicate that the need to inform the commission exists for any lynx, wolverine, or grizzly capture regardless of intended trap target. This addition explicitly states the intent of this regulation.

### **Amend language:**

Amend Reporting requirement for marten harvest under the Marten section on page 16:

- Reporting: ~~Required within 24 hours of harvest~~ *Not required*

Justification: Before Covid, the 24-hour reporting did NOT apply to marten, only the tagging within 10 days of a season close. During covid, we went away with mandatory tagging and implemented the 24-hour rule. Now that we reinstated mandatory tagging, we can go back to not requiring the 24-hour reporting.

### **Amend and add language:**

Reconstruction of Wolverine section on page 17 following the listing of wolverines to mirror the language for lynx on page 13:

- **Wolverines are protected by Federal law under the Endangered Species Act**  
~~Trappers who capture a furbearer when the season is closed or trapper limit is met must notify a FWP warden or biologist residing in the region where the animal was taken within 24 hours to arrange collection of the animal if the animal cannot be released uninjured. It is unlawful for any person to retain possession of an incidentally taken furbearer. Quota: 0.~~ *Avoid placing sets that might attract wolverines. Trapped wolverine that are uninjured must be release immediately and the incident must be reported to an FWP warden or biologist within 24 hours of release. If a wolverine is injured, trappers must immediately notify an FWP warden or biologist or an FWP regional office, to determine disposition and/or collection of the animal. Persons who know about the taking of a wolverine shall report it by calling 1-800-TIP-MONT (800-847-6668).*

Justification: Now that wolverines are listed, this proposed change adopts the sample language that we have for lynx on page 13 rather than illuding that there could be a season/limit for wolverines. This also keeps the regulations consistent among furbearer species that are listed under the ESA.

**Eliminate wording:**

Amend the species you need to report within 24 hours of harvest on page 28, if suggestion to discontinue marten harvest reporting on page 9 is adopted:

- **Bobcat, Otter, ~~Marten~~, Fisher, Swift Fox, and Wolf 24-hour**

Justification: As stated above, we would like to eliminate the mandatory 24-hour reporting for marten as to go back to pre-covid times. This would take marten out of this list.