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October 31, 2024

To: Montana Fish and Wildlife Commission

RE: Comments on proposed wolf trapping regulations

I write to you on behalf of the Montana Wildlife Federation (MWF). We are Montana's oldest and largest statewide conservation organization, founded in 1936 by dedicated hunters, anglers, conservationists, and landowners. We represent a diverse group of public and private land users and advocates who hunt and fish and recreate in Montana. We value Montana grizzly bears and wolves as unique resources, and we are dedicated to the assuring that grizzly bears and wolves remain healthy and well-distributed in Montana.

These regulations reference trapping dates effective December 1, 2024: "Wolf trapping will occur between Jan. 1 – Feb. 15, inside of the geographic scope identified by federal court order." This federal court order was issued to avoid incidental captures of grizzly bears by wolf trappers by limiting the dates of such trapping to the time most grizzlies are in the den. This is a common sense approach that allows wolf trapping to continue in places in Montana where grizzly bears be present during the grizzly denning period. Montana has petitioned for grizzly bears in the NCDE to be delisted and the decision on that petition is pending in January 2025. If this delisting petition is successful, the Federal court order referenced in this proposed regulation would be moot and would disappear because it is based on listed status for grizzly bears under the Endangered Species Act.

The Montana Wildlife Federation asks that the Commission to clarify in writing what they will do with the dates and the geographic scope of this regulation should grizzly bears be delisted in January 2025. The answer to this question is important to understand the commitment of the Commission to maintain adequate mortality regulatory mechanisms if the grizzly is delisted and turned over to state control.

The regulations as proposed are confusing and seem inconsistent with our experience on the impacts of trapping methods and techniques on incidental captures of grizzly bears. The regulations state:

48 hours after FWP is aware of and has publicly noticed the capture of any grizzly bear (after Sept. 1)

- From date of adoption to December 31, 2024, and from Feb. 16, 2025, to August 31, 2025, all recreational trappers inside of the geographic scope identified by federal court order, except those using water sets or live cage traps, must adhere to the following regulations:
- All foothold trap ground sets regardless of target species must have an inside jaw spread of less than or equal to 5 1/2 inches.
- Snares are not allowed unless they meet all the following criteria:
 - A breakaway lock device installed on the loop end designed to release when more than 350 pounds of force is applied.
 - The snare is fastened to an immovable object solidly secured to the ground (i.e., the use of drags is unlawful); and



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- The top of the loop of the snare is no more than 26 inches above the ground; in snow, 26 inches is measured from the compacted snow in a trapper's footprint made by the full weight of the trapper.

This section of the proposed regulations appears to require changes in trapping equipment including traps and snares, only AFTER a grizzly has been documented to have been captured after September 1. These proposed regulations read as if there have been no grizzly captures in snares or leg hold traps documented in Montana, which is incorrect. FWP has records of at least 17 grizzly bears reported and documented to be incidentally captured in wolf traps and coyote traps in Montana. Nine of these captures were by public recreational trappers. These reported incidental captures are **only a portion** of the total number of such incidental grizzly bear captures in wolf traps or snares because:

1. **Nothing to report.** Many grizzly and black bears captured in traps or snares will leave the trap site with the snare or trap on their neck or on their feet (as shown in photos below) so when a trapper arrives at the site, there is no snare or trap and no bear, and thus nothing to report.



Figure 1. Grizzly bear caught in a wolf snare showing the frayed end of the cable where the bear chewed the cable and left the trap site wearing the snare. This bear, wearing the wolf snare on his neck, was later shot by a black bear hunter in Idaho who reported his mistaken identity kill to authorities.



Figure 2. Grizzly bear claws in a leg hold trap found by a rancher in a field in the Ovando area. The bear pulled the trap loose and carried the trap on his claws for a long time until the bear's toes became necrotic, and the trap fell off with grizzly claws and tissue from the toes still in it.

2. **Failure to report.** Wolf trappers have every incentive not to report conflicts and deaths to grizzly bears because public knowledge of these conflicts and deaths will result in increased appeals for restrictions to their wolf trapping and snaring. Since trapping is a solitary activity that takes place in remote areas, there is little to nothing that FWP can do to know about unreported non-target captures or to realize the actual number of such incidental captures. Knowledge of such incidental captures depends solely on the veracity and sincerity of individual trappers, who know that such reporting may result in restriction or elimination of their future wolf trapping activities.



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Since FWP already has information clearly demonstrating that grizzly bears are captured in wolf traps and coyote traps, why does this regulation not require the use of these reduced incidental capture traps and snares instead of waiting for an additional incidental grizzly capture before this equipment is required? This makes no sense. **The Montana Wildlife Federation recommends that this proposed regulation be changed to require the use of this equipment upon adoption of this regulation** rather than waiting for an additional grizzly to be reported to be captured in a wolf trap or snare before it is adopted.

The supplemental materials contain the following statement:

Additions to Methods for Improving Efficiency, Selectivity, and Animal Welfare³:

- a. Recreational wolf trappers **are encouraged** (emphasis added) to follow the "Best Management Practices for Trapping Wolves in the United States," which is published by the Association of Fish and Wildlife Agencies. The best management practices for trapping wolves are as follows: ...

These supplemental materials detail best management practices for wolf trapping that seem like seem common sense. The Montana Wildlife Federation questions why such best management practices are not required for wolf trappers instead of just "encouraged". **The Montana Wildlife Federation recommends that the wording in item iv. should be changed to read:**

Recreational wolf trappers are required to follow the "Best Management Practices for Trapping Wolves in the United States," which is published by the Association of Fish and Wildlife Agencies. The best management practices for trapping wolves are as follows: ...

In addition, item iv. states:

Trappers are **encouraged** (emphasis added) to avoid setting traps if grizzly bear are observed in an area or if grizzly bear tracks are identified.

It seems that if the intention of the Commission and FWP is to reduce incidental captures of grizzly bears by wolf trappers, there should be a regulation that states that trappers should **not set** wolf traps or snares if grizzly bears or grizzly bear tracks are identified in an area. **The Montana Wildlife Federation recommends that the wording in item iv. should be changed to read:**

Trappers are not permitted to set traps in any area where grizzly bears are observed or in an area where grizzly bear tracks are identified.

In summary, we ask the Commission to revise these wolf trapping regulations to reflect the importance of using every opportunity to minimize future incidental captures of grizzly bears from wolf trapping. The data clearly show that grizzly bears are trapped in wolf traps and snares. Using this data to implement careful management of wolf trapping and snaring will demonstrate the commitment of the Commission to use science and facts to carefully manage grizzly bears.



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Thank you for considering our comments. Please feel free to reach out to me at servheenc@mtwf.org should you wish to discuss wolves and grizzly bear management further.

Sincerely,

Christopher Servheen

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President and Board Chair
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