

July 28, 2020

Shane Colton, Chairman
Richard Stuker, Vice-Chairman
Tim Aldrich, Commissioner
Pat Byorth, Commissioner
Logan Brower, Commissioner
Montana Fish and Wildlife Commission

Martha Williams, Director,
Montana Department of Fish, Wildlife and Parks

via Electronic Mail

Dear Director Williams, Chairman Colton, and members of the Fish and Wildlife Commission,

On behalf of a coalition of conservation and animal welfare groups which includes WildEarth Guardians, Western Watersheds Project, the Mountain Lion Foundation, the Humane Society of Western Montana and Footloose Montana we are proposing lands and waters that should be made trap free in the wildland-urban interface and areas of high recreation use in and around Missoula.

Outdoor recreation is continuing to grow as more and more people enjoy spending time in the outdoors. COVID-19 has only made that need greater. Our parks, refuges and forests are experiencing record numbers of users according to Lolo National Forest Supervisor Jennifer Hensiek and Council Grove State Park Supervisor Michael Kustudia. According to the Property and Environmental Research Center, based in Bozeman, half of all Americans recreate outdoors. Outdoor recreation accounted for \$412 billion of GDP in 2016. This sector has grown faster than the overall economy in three of the four years analyzed. In the past ten years an additional 10 million people recreated outdoors, meaning one million new people recreate on public lands every year.

In Montana, outdoor recreation generates \$7.1 billion in consumer spending, creates 71,000 direct Montana jobs, and generates \$2.2 billion in wages and salaries for Montanans according to a 2017 Headwaters Economic report. The increase in recreation has skyrocketed in the past thirty years, making our forests, state lands and waters a vital economic and social engine.

From cross-county skiing to mountain biking, from hiking to fishing to boating, our public lands and waters are a vital outlet for people—both residents and visitors.

By contrast, trapping is a dwindling activity that is hyper-niche. Less than 0.5% of Montanans participate in trapping. Moreover, trapping continues to face strong opposition from Montanans, especially those in urban centers. With significant opposition, danger, and growing use of public lands, it makes little economic or recreational sense to allow this practice on 99% of Montana's public lands. Nowhere is this more apparent than in lands that are part of wildland-urban interface and areas of heavy recreational use.

More than 100 countries have banned or severely limited trapping. In the West, Arizona, Colorado, Washington, and California have largely banned trapping on public lands. Similar legislation has gained

momentum in New Mexico and Oregon. The Forest Service has set the precedent in Montana by making the 28,000-acre Rattlesnake National Recreation off-limits to trapping, since 1980.

In addition to the “non-target” wildlife indiscriminate injure or kill, family pets in urban centers pay the price for FWP’s laissez-faire attitude towards trapping. Like most Montana cities, Missoula is a dog-friendly community, yet it’s our pets that are paying the price in lost limbs and death, with no accountability. Traps kill pets and endanger humans, particularly children, every year.

FWP has long managed hunting through block management; block management also stipulates the closure of certain areas as safety zones where hunting is off limits around communities or in areas near human habitation. Yet to date, this same policy has not been applied to trapping. Trapping is dangerous to people, pets and wildlife that are not the intended victim. Missoula County Commissioners have pointed out that safety zones are vital for community safety. Safety zones should be utilized by the department to regulate trapping. Montana’s public lands and waters are vast; dogs, like people, deserve the opportunity to roam and explore public lands and swim in the rivers. Trapping is stealing that freedom.

In requesting input from the public, the Department made many inferences to “trails” that people want off-limits to trapping. While that is important, we believe the time has come to allow public access safe from traps to larger areas of land in the wildland-urban interface to reflect the dramatic increase in recreation and public safety. Our proposal highlights specific areas of heavy recreational use and looks to new areas that will clearly be used with recreation as its principle purpose.

We thank the agency and the commission for the opportunity to present our comments.

Areas that should be off-limits to trapping in and around Missoula, MT:

Kelly Island and surrounding waters: 705.94 acres

Kelly Island is a recreational hub in Missoula, used for hiking, fishing, hunting, bird watching and rafting. The 705 acres that define the undeveloped island are a unique mix of cottonwood bottoms, large meadows, and ponderosa pine forests with remarkable wildlife populations. Waterfowl concentrate here in winter and spring; the numerous backwater sloughs provide ideal resting spots. Around March, great blue herons begin to gather at the island's historic heron nesting area. Canada geese also nest on the island, sometimes in the heron nests. Wood duck boxes and goose nesting platforms have been erected here. Red-tailed hawks, American kestrels, and great horned owls commonly nest on the islands as well. This is a good spot to see Lewis' woodpecker and bald eagles. White-tailed deer are extremely abundant and seen year-round; beavers are common, and foxes are seen occasionally. Traps placed on land and in the waters around the island pose a dangerous situation for locals and visitors alike, with no signage and, for many, no understanding that a place in the heart of our community would be home to dangerous traps. In addition, the biodiversity of the island and waters is impacted by the indiscriminate nature of the traps. Missoula City Councilor Julie Merritt encountered a coyote in a trap on Kelly Island. To this day, she “is haunted by seeing that animal suffering and feeling helpless to save it.”

This island is a crown jewel in our community and it is clearly a place where trapping must be banned both on land and in the waters that border the Island.

Lolo Trails

The second phase of acquisition of the Southern Pines Plantation property will soon be transferred in its entirety to the Forest Service. Lolo Trails is 14,000 acres of land just 14 miles south of Missoula. The area preserves portions of several historical sites, including the Nez Perce National Historical Trail, the Lewis and Clark National Historical Trail, the Lolo Trail National Historic Landmark and the Ice Age Floods Geologic Trail. The area is home to a number of endangered and threatened species including Canada lynx and bull trout. The area is home to wolves, beaver and other keystone species. Recreation and tourism account for 21% of the jobs in Missoula and this area was purchased by Land and Water Conservation funding for the express purpose of recreation for the community. Ending trapping here is extremely important.

Council Grove State Park

This park marks the site of the 1855 council between Isaac Stevens and the Flathead Kootenai and Pend d'Oreille Indians. Here the Indians signed the Hellgate Treaty and relinquished their ancestral hunting grounds in exchange for a reservation in the Mission valley.

There are 187 acres making up this site that sits at an elevation of 3,198 feet. This park contains large, old-growth ponderosa pines, grassy fields by the park picnic area, and cottonwoods along the Clark Fork. There's also an aspen grove fed by a vernal pool (a shallow depression in clay-like soil that fills with water seasonally) and make great breeding habitat for frogs and salamanders. The open grove structure of the park attracts a wide variety of birds. This includes flickers, sapsuckers, and many species of woodpeckers. Great blue herons have been spotted along the river's edge. White-tailed deer are often seen, the occasional black bear may wander through the park.

The park is divided by a channel in the river with its wilder section to the west.

This park is heavily used year-round by people with dogs. From the water to the tall pines and grasses, it is a dog mecca. It is also a place that families enjoy. The Director of Council Grove State Park, Michael Kustudia told our coalition that this park is becoming a hub for the community and their dogs; the growth has been expediential. Meanwhile the public remains in the dark that trapping occurs here. There is no logical reason for traps to be in this small park, or the waters that border the park. It creates a very dangerous situation from a public safety perspective and trapping should be banned in a place of such heavy public usage.

The Park Superintendent has stated that "trapping has not occurred in the past three years, but there had been one request." With such a low level of interest and more than 40,000 annual visitors a year combined with the historical nature of the park, trapping should be banned.

Johnsrud Park

The park that is on a bend in the Blackfoot River is a community favorite. Long known as a place to swim, dive, fish, kayak and raft, Johnsrud is a beautiful stretch of the river and part of the fabric of life in Missoula. Canada geese, bald eagles and other raptors tower above the cliffs opposite the park. The Park sees more than 85,000 visitors each year. Most are families that come to experience the rich environment and family-based recreation. The area is also popular with cyclists, who travel along the old Milwaukee Road railroad bed across from the park, as do cross-county skiers. The Bureau of Land Management has purchased another 27,000 acres adjacent to the park making this a federally controlled section that sees usage year-round. The proposed Johnsrud-McNamara Road project would allow even more visitation

by the paving of this heavily used dirt access road. We know there has been historical trapping in the park. It is time to for that to end.

- Additionally, we suggest a 1-mile buffer in the BLM lands that are directly adjacent to the park. The rationale is clear: people rafting the river, or hiking and camping away from the park on the river's edge could get caught in a trap on the BLM lands. We believe there should be clear signage to warn people leaving Johnsrud Park and a buffer for safety is in the public interest.

Fishing Access points from Hamilton through Erskine Fishing Access

Fishing access areas are part of a democratic process that was validated by the Montana State Supreme Court in 1984. The ruling states, "Recreational use means with respect to surface waters: fishing, hunting, swimming, floating in small craft unless otherwise prohibited or regulated by law, or craft propelled by oar or paddle, other water-related pleasure activities, and related unavoidable or incidental uses."

Nowhere in the ruling is trapping mentioned. Yet, trapping is allowed at fishing access points within 1000 ft. from boat ramps on land. There is no setback for water sets, which can be set at the high-water mark if partially submerged. These traps are a major threat to kill dogs, and this area sees considerable use by anglers, families, children, and pets.

1. The waters that border fishing access sites should be off-limits to trapping, this is crucial to public safety.
2. Additionally, the 1000 feet boundary on land traps should be expanded to 2000 ft. beyond all borders of the site, not from the boat ramp. This change will ensure a true safety zone and prevent family pets from harm.
 - Woodside Bridge- 3.5 acres
 - Tucker Crossing-250.72 acres
 - Bell Crossing--65.02 acres
 - Bass Creek--13.59 acres
 - Poker Joe--11.62 acres
 - Florence Bridge--11.58 acres
 - Chief Looking Glass--13.05 acres
 - Maclay Flats—822 acres, trapping is banned on land, but should now include all areas that are on the water.
 - Kelly Island, 848 acres (no private land)
 - Deep Creek--36.14 acres
 - Harpers Bridge--12.45 acres
 - Erskine-- 428.34 acres

Rock Creek-From Eudailey's Bridge to confluence of Clark Fork River (32.5 miles)

Rock Creek is a 52-mile-long (84 km) blue ribbon trout fishing stream in Missoula and Granite County, Montana. Rock Creek is a tributary of the Clark Fork River. The river's headwaters are in Lolo National Forest near Philipsburg, Montana. The river roughly parallels the Sapphire Mountains and enters the Clark Fork near Clinton, Montana. People sift for sapphires along the river.

Wildlife is extensive in Rock Creek. Bighorn sheep, black bears, mountain lions, beaver, moose, elk, deer, wolves and coyotes prosper in this spectacular setting. But it is fishing that draws people to the water year-round. This freestone river is home to cutthroats, browns, rainbows and the elusive bull trout is a blue-ribbon trout stream.

People come from all over the world to fish in Rock Creek. For Missoula residents, the location makes it a prime spot for camping, fishing, hunting and wildlife viewing. Campgrounds, cabins and the Ranch at Rock Creek (which bans trapping on their property) accommodate many who flock to this area for recreating. Missoula and Clinton residents go for day trips year-round.

This stretch of the creek and tributaries is all bordered by Forest Service lands, including the Welcome Creek Wilderness. Campgrounds include Norton, Dalles, Harry's Flat and Siria.

For the community of Missoula, it is also a painful reminder of what can happen to our family pets. In March of 2008, along a Forest Service interpretive trail in Rock Creek, Filip Panusz's dog Cupcake, a young border collie, was lured to and killed by a conibear trap right beside the Interpretive Trail on a spring hike.

Closing this stretch of Rock Creek will prevent other unnecessary and horrible tragedies from occurring again.

Marshall Canyon

This area within the Missoula interface has become an increasingly popular area for hiking, mountain biking, dog walking and cross-county skiing. Deer, elk and other wildlife enjoy the majesty of this canyon and sloping hills. The former ski area has long been a place for outdoor enthusiasts. Lolo Forest Supervisor Jennifer Hensieck feels this is likely to become a recreational hotspot in the community in the coming years and will see "concentrated public use." This mix of Forest Service and Five Valley Land trust lands part of the Plum Creek purchase, are a valuable part of Missoula's conservation legacy and ensuring that they are trap-free is important for the safety and security of those that chose to recreate.

Conclusion

Recreation and trapping do not co-exist. There is always a price to pay. The price is paid not by the trapping community, but rather by those that love recreating in the outdoors. This proposal, while encompassing a variety of areas in and around Missoula, in total still remains smaller than the 28,000 acres that was set aside in the Rattlesnake Wilderness Recreation Area.

That should give perspective of how much land still remains open to trapping in the Missoula corridor and surrounding lands. This proposal does not include other areas valued by Missoulians and visitors for recreation. But it does begin the important process of creating safe areas for our community; places where families, pets and people can recreate without fear, so that the idea of outdoors--places which allow the mind and body to feel free and explore, can be fully achieved.

Offsets and narrow trail closures are not enough to keep people and their pets safe from trapping in the urban-wild interfaces around Missoula. Expert economists, elected officials, and the public want traps off of these public lands. They want FWP to take seriously the idea that entire land and waters, not simply trails should be made trap-free. People deserve the right to have no fear of hidden, baited traps when they go out to pick berries, camp, study plants, collect firewood, fish, hunt and watch wildlife—huge parts of Montana's economy and culture.

The economy of Missoula depends not only on accessible and safe public lands, but also on healthy and functioning ecosystems. Clean abundant waters depend on beavers. Instead of having to impose laws restricting fishing because rivers are too low and warm for fish, we need to allow beavers to recharge our waters. Healthy lands and riparian areas depend on keystone species including pine marten, bobcat, wolves, and otter. Deer, elk and bear are also caught in traps—hunters know this.

This proposal is a first step in a long process of setting aside lands and waters of recreational value to communities across this state. It is first and foremost about public safety. We regulate for the betterment and security of the entire society. Trapping is a risk not just to species of wildlife and pets, but to children and community members. Trapping is a radical exception to common sense and seems out of place with the reality of what risk is and what foolhardiness is. We ask that the commission take seriously the consequences to the long-term viability of allowing practices such as trapping to continue in recreational areas.

We thank you for consideration of our proposal and look forward to working with you on a successful outcome.

Sincerely,

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