

BALLOT LANGUAGE FOR INITIATIVE NO. 169 (I-169)

INITIATIVE NO. 169

A LAW PROPOSED BY INITIATIVE PETITION

I-169 prohibits the trapping of fur-bearing animals, game animals, migratory game birds, upland game birds, large predators, predatory animals, and certain nongame wildlife by any means on any public lands within Montana, including public lands leased to private parties, subject to limited exceptions. I-169 allows the use of nonlethal snares, traps, or nets to take wildlife for purposes of scientific research, migratory bird propagation, falconry, relocation, medical treatment or to protect public health and safety. If nonlethal methods have been tried and found ineffective, I-169 allows trapping by public employees and their agents for nuisance or conflict animal problems. Trapped animal carcasses may be used only for beneficial public purposes.

I-169 will result in the annual loss of approximately \$65,040 in trapping license revenue to the state. In addition, the state would incur financial expenses for state employees and their agents to trap nuisance or conflict animals that are currently addressed by private trappers. These costs cannot be reasonably determined.

☐ YES on Initiative I-169

☐ NO on Initiative I-169

THE COMPLETE TEXT OF INITIATIVE NO. 169 (I-169)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 and 3 and 5) may be cited as the "Montana Trap-Free Public Lands Act."

NEW SECTION. **Section 2. Findings.** The people of the state of Montana find:

(1) that approximately 35% of land in Montana is public land, and the public has the right to safely use these public lands;

(2) that less than 0.6% of Montanans purchase a trapping license, and the cost of administering the state trapping program exceeds the revenue generated;

(3) that trapping undermines wildlife management. The number of trapped wildlife is unknown, harvest reports are absent, and the average estimate of 45,000 trapped wildlife are based on voluntary surveys, which, according to the department, are returned by approximately 35% of trappers. Montana's wildlife populations were decimated from trapping by 1850 and now recreational and commercial trapping keep species, including wolverine, lynx, and fisher at the edge of extinction, hurting Montana's economy and jobs;

(4) that trapping is not consistent with Montana's tradition of fair chase hunting, the North American model of wildlife conservation, and prohibitions on set guns, game farms, unattended fishing poles, and commercial hunting;

(5) that a trapping license and trapper education is required for trapping only some species, only 5 species have a limit on how many can be trapped, some species can be trapped year round, there is no reporting requirement for most species, there is no limit to the number of traps a trapper can set, and pelts and glands of trapped species can be sold, which promotes the commercialization of wildlife;

(6) that trapping is indiscriminate. Trapping regulations do not apply to all species and are inadequate for providing safe use of public land and eliminating the trapping of nontargeted species and the incidental catching of species, including companion animals, livestock, big game, raptors, and rare and endangered species. During Montana's last furbearer trapping season, at least 5 golden eagles and over 55 dogs were reported caught in traps;

(7) that trapping is costly to pet owners whose animals are captured in traps, to the public for the expenses related to capture, release, and rehabilitation of wildlife captured by incidental trapping, and to taxpayers and the forestry and real estate industries for the protection and recovery of species that have been reduced or eliminated due to trapping;

(8) that the historic loss of beaver ponds on public lands has a deleterious effect on aquifers and wetlands, thus reducing big game populations, late season creek flow, irrigation water, and natural wildfire barriers and thereby impacting agriculture, livestock, trout habitat, recreation and drinking water;

(9) that the setting of the reported tens of thousands of baited inconspicuous traps and snares at locations that are known only to the trapper prohibits the monitoring and enforcement of regulations and compromises the public's safety;

(10) that Montana's outdoor lifestyle, abundant public lands, and wildlife viewing opportunities are a major draw for residents, small businesses, and visitors, generating 43,000 jobs and \$2.75 billion in tourism-related revenue. This, in turn, generates over \$250 million in state and local taxes annually. Wildlife viewing alone generates \$401 million annually.

(11) that public participation is essential in developing wildlife management policies;

(12) that hunting and fishing are protected under the Montana constitution, activities that annually generate \$311 million and \$226 million respectively;

(13) that private land comprises approximately two-thirds of Montana, and private land owners retain the ability to allow legal trapping for any reason;

(14) that predation is generally not the leading cause of livestock mortality. Traps are nonselective at targeting an offending animal, and trapping may actually result in an increase in predators or livestock predation. There are preventative, effective nonlethal measures as well as other means, including the use of firearms, to remove an offending nuisance or conflict animal from public land;

(15) that trapping may be necessary for scientific research, migratory bird propagation, falconry, relocation, or medical treatment. To try to minimize injury, trapping for these purposes incorporates different methodology and the use of nonlethal snares i.e. nonstrangling foot snares, rubber padded leghold traps i.e. McBride EZ Grip or Victor Soft Catch traps, cage or box traps, or nets.

(16) that the commonly used steel-jawed leg hold trap is deemed inhumane by the American Veterinary Association, neck snares are designed to strangle the animal, and conibear traps, which are body crushing traps, are deadly to animals, including dogs and pose a safety hazard to the public especially along and in waterways. Trapping without a requirement to check traps at least once every 24 hours causes additional suffering, injury, and potential death to target and nontargeted animals.

(17) that predators help keep rodent populations in check, thereby benefiting agriculture and removing disease vectors. According to the United States Centers for Disease Control, the National Academy of Sciences, and the World Health Organization, there is no scientific evidence that trapping controls the spread of disease such as rabies.

NEW SECTION. Section 3. Trapping prohibited on public lands -- exceptions.

(1) It is unlawful for a person to trap or attempt to trap the following animals on public lands within the state of Montana, including public lands leased to private parties:

(a) any animals defined in 87-2-101 as fur-bearing animals, game animals, migratory game birds, upland game birds, predatory animals, and those wild mammals and birds defined as nongame wildlife; and

(b) large predators as defined in 87-1-217.

(2) This section does not:

- (a) limit trapping allowed under 87-2-806, 87-2-807, or 87-5-204;
- (b) limit the use of nonlethal snares, traps specifically designed not to kill, or nets to take wildlife for scientific research, migratory bird propagation, falconry, relocation, medical treatment or to protect public health and safety;
- (c) limit the traditional scientific or public health and safety activities, including trapping, conducted by the department's employees or its agents or the employees of any other unit of state or local government;
- (d) limit any individual from trapping rodents, except beaver and muskrat, as permitted by other federal or state laws; or
- (e)(i) prohibit a state or federal employee from using a conibear trap in water, padded leghold trap, nonstrangling foot snare, cage trap or net on any public land if it is established that a nuisance or conflict animal problem cannot be reasonably abated by the use of nonlethal control tools, which include but are not limited to changes in livestock management practices and the use of guard animals, barriers, alarm devices, hazing, human supervision, wire tree wraps, repellents, and beaver deceivers, or if such nonlethal means cannot be reasonably applied.
- (ii) Upon making a written finding, which must be made available for public inspection, that the nuisance or conflict animal problem has not been and cannot reasonably be abated through use of nonlethal control tools, or if the nonlethal means cannot be reasonably applied, the department may authorize the use, setting, placing, or maintenance of traps for a period not to exceed 30 days per calendar year.
- (3) The department or, upon state certification, its agents or other unit of government shall conduct the trapping allowed under subsection (2).
- (4) When legally using any conibear trap, padded leghold trap, nonstrangling foot snare, or cage trap on public land, the person setting the trap shall prominently mark the immediate area with highly visible, durable warning signs.
- (5) Any legally deployed conibear trap, padded leghold trap, nonstrangling foot snare, or cage trap on public land must be checked at least once every 24 hours.
- (6) The commercial use of any animal or any part of an animal trapped on public land under subsection (2) is prohibited. The department or its agents or other unit of government, after carrying out trapping on public land allowed under subsection (2), shall document any animal trapped and the disposal of any trapped animal's parts, including the fur, that are not fit for human consumption of any animal killed from trapping. Any use of trapped animal's parts, including the fur, by the department or its agents or other unit of government must be for beneficial public purposes.
- (7) Any trapping license issued by the department must comply with the provisions of this section.
- (8) As used in this section, "public land" means all federal and state lands, including such lands leased to private parties, but does not include any lands under the jurisdiction of an Indian tribe within the state.

NEW SECTION. Section 4. {standard} Codification instruction. [Sections 1 and 3 and 5] are intended to be codified as an integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [sections 1 and 3].

NEW SECTION. **Section 5. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 6. {standard} Effective date.** [This act] is effective upon approval by the electorate.