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Ballot Initiative Process

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Initiative No. 160 (I-160)

BALLOT LANGUAGE

INITIATIVE NO. 160

A LAW PROPOSED BY INITIATIVE PETITION

I-160 prohibits trapping of all wild mammals and birds by any means on public lands in Montana, subject to limited exceptions. It allows trapping for scientific purposes and for breeding of migratory game birds. It also allows trapping by public employees to protect public health and safety. However, it prohibits commercial use of wild mammals and birds trapped on public lands for any of the allowable purposes.

I-160 costs approximately \$47,780 of state funds annually, resulting from a loss of trapping license revenue.

FOR prohibiting trapping of all wild mammals and birds on public lands in Montana, subject to limited exceptions.

AGAINST prohibiting trapping of all wild mammals and birds on public lands in Montana, subject to limited exceptions.

COMPLETE TEXT

Be it enacted by the people of the state of Montana:

NEW SECTION. Section 1. Short title. [Sections 1 through 3] may be cited as the "Montana Trap-Free Public Lands Act."

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

(1) Rights of private landowners need to be protected. Trapping on private property will not be affected by [sections 1 through 3]. [Sections 1 through 3] apply only to public land and affect only 35% of Montana's landscape. Private land, amounting to 65 percent of land in Montana, will continue to be open for trapping.

(2) Traps undermine the safety of public land. Montana's public land should be safe for all citizens and their pets. By the placement of tens of thousands of concealed traps on public land, trapping directly endangers adults, children, and pets. During furbearer trapping season, traps can be placed as close as 50 feet to public trails, while no setbacks are required for certain species that can be trapped year-round. Montanans should not have to compromise peace of mind, welfare of children, and pet safety when using public land.

(3) Trapping is in conflict with hunting ethics. The first rule of hunting is to "be sure of your target!" Trapping violates this rule by its indiscriminate killing of many species, including endangered, threatened and sensitive species, such as Canada lynx and American bald eagle. Species targeted by trapping, such as marten and otter, are severely depleted, while wolverine and fisher are at risk of extinction in Montana.

Trapping is a leading cause of the steep declines in these species.

(4) Trapping undermines sound wildlife management. Currently, tens of thousands of traps are camouflaged on public lands throughout Montana. Since trap locations are known only to trappers and not to professional wildlife managers, traps cannot be accurately monitored. As a result, no reliable data exist that document the species and numbers of animals killed in traps.

(5) There is no "fair chase" in trapping. Trapping does not honor the hunters' ethical code of "fair chase," or the time-honored principles of quick and efficient kill. Tens of thousands of untended, unmonitored traps lure wild and domestic animals with bait. Trappers are not required to check their traps in any specific period of time.

(6) Trapping creates wanton waste. For every wild furbearer killed, many more non-targeted wild and domestic animals are killed and discarded, in violation of hunting and outdoors ethics. Offspring die of starvation or dehydration when their nursing mothers are trapped, further increasing the number of discarded animals, and endangering the survival of rare species such as lynx, wolverine and fisher.

(7) Trapping commercializes wildlife. Contrary to the noncommercial legacy of hunters, trapping promotes the private commercialization of publicly owned wildlife. In Montana, fish and wildlife belong to all and need to be managed in noncommercial ways that ensure healthy species populations will be sustained forever.

(8) Trapping kills public wildlife for fur and not for meat. Hunters and anglers are not allowed to sell the meat of wildlife and fish. Profit-driven trapping for exotic fashion markets is in conflict with conservation and managing wildlife as a public trust.

(9) Trapping is largely unregulated. While hunters and anglers abide by strict management policies, regulations pertaining to trapping are extremely lax. As a result, trappers are able to set an unlimited number of traps. Warning signs are not required and trap checks are not mandatory. Trappers are allowed to trap certain species (such as fox, coyote, and badger) year-round without any regulations at all. Only four species (otter, bobcat, fisher and wolverine), out of the 14 species pursued (beaver, otter, muskrat, mink, marten, fisher, wolverine, weasel, bobcat, fox, coyote, skunk, raccoon and badger) have any quotas. These quotas are determined in the absence of detailed scientific data concerning species populations and how affected species are distributed across Montana.

(10) Trapping contributes little to the Montana economy. In Fiscal Year 2008, trapping brought in a total of \$94,000 in revenue to the State of Montana. In comparison, over the same fiscal year, hunting generated direct revenue to the State of \$45 million and fishing generated direct revenue to the State of \$20 million. Federal studies show that wildlife watching brought \$376 million into Montana in 2006. If trapping were limited to private land this financial contribution would likely increase as rare species become more abundant and visible on our public lands.

(11) Trapping adversely affects aquifer levels crucial to Montana's agriculture and communities. Trapping beaver in upstream publicly owned forests and drainages directly reduces water retention and storage critical for agricultural irrigation, wildlife and fish habitat, public recreation, and drinking water. The natural water storage activities of beavers are nature's way of sustaining healthy watersheds and wetlands. Beaver ponds also act as firebreaks, a critical contribution given the increased wildfire activities in recent years.

(12) Traps are cruel. Scientific studies show animals caught in traps suffer from fear, anxiety and physical pain for prolonged lengths of time. Traps cause dehydration, starvation, severe swelling, lacerations, dislocated joints, broken bones, and even amputation. Some animals chew off their own limbs in order to escape traps. Animals still alive upon the trappers' return are strangled, clubbed or stomped to death, or shot. The most commonly used trap, the steel-jaw leg-hold trap, is condemned as inhumane by The American Veterinary Medical Association, the American Animal Hospital Association, the World Veterinary Association, and the National Animal Control Association.

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 in the state where trapping would be otherwise allowed, including public lands leased to private parties:

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

(b) wolves.

(2) This section does not:

(a) limit trapping allowed under 87-2-806 or 87-2-807; or

(b) limit the traditional scientific or public health and safety activities, including trapping, conducted by the department's employees or employees of any other unit of state or local government.

(3) The department or other unit of government shall use its own employees and may not contract with or use private entities or individuals to conduct the trapping on public land allowed under subsection (2). An employee conducting trapping must first consider and, where feasible, attempt to live trap the animal before using other means of trapping to remove the animal.

(4) There may be no commercial use of any animal or any part of an animal trapped on public land under subsection (2). The department or other unit of government, after carrying out trapping activities on public land allowed under subsection (2), must document any animal trapped and document the:

a) disposal of the entire animal trapped, including the fur; or

b) use of the animal carcass for beneficial public purposes.

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

NEW SECTION. Section 5. Immediate effective date. This act is effective upon approval by the electorate.

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