Professional Report Finds Process Failures & Anti-Predator Bias In Montana Fish & Wildlife Commission

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MISSOULA— A report on the Montana Fish & Wildlife Commission (attached) identifies persistent failures to notify the public and provide meaningful opportunities for comment, as well as an apparent bias against large carnivores. The report also notes the Commission's lack of following recommendations from Montana Fish, Wildlife & Parks (FWPs) biologists. The report examines the September 24th meeting, at which they quickly denied two citizen petitions for rulemaking— a mandatory 24-hour trap check and a requirement for hunters and trappers to carry bear spray—while advancing a Commissioner's Predator Management Policy.

"The September 24 Fish and Wildlife Commission meeting was deeply troubling and left many of us appalled and angry," said Dr. Anja Heister, Executive Director of Footloose Montana. "The commission is incompetent, unqualified, dismissive of public input, and unconcerned with animal welfare—as demonstrated by its swift rejection of our petition requiring trappers to check traps every 24 hours, a basic ask for decency." Heister continued, "It is unacceptable that the decision-making about life-and death for wild animals lies in the hands of this Commission—a self-interest group, whose message to the public is clear: 'Don't inconvenience trophy hunters, ranchers, outfitters, or trappers—and let's kill more wolves and other predators!'

"Our last experience at the September 24 hearing of the Montana Fish and Wildlife Commission was a culmination of what we've seen, heard, and experienced ourselves before, from past to present, bad practices being conducted by the Montana Fish and Wildlife Commission. The unprofessional bias and lack of coherent and consistent public uniformity for the public participation process was confusing and unfair in its implementation. The FWC needs some serious reforming to be more responsive to the general public," said Clint Nagel, President of the Gallatin Wildlife Association.

"We need a Fish & Wildlife Commission that bases decisions on sound science and is committed to protecting all native species for all Montanans. The September 24th Commission meeting however showed a Commission that ignores science – and the general public - and is committed to protecting only certain species for certain Montanans," said Mary Price, board member, Flathead-Lolo-Bitterroot Citizen Task Force and a petitioner on the bear spray petition.

The groups point to New Mexico, which instituted important reforms to their State Wildlife Commission https://www.nmlegis.gov/Sessions/25%20Regular/bills/senate/SB0005.HTML

Pre-decisional bias was apparent when the vote on the Trap Check Petition was called before public comment had taken place. The written comment period for the September meeting was only five business days. The registration link was not functional for several days. The Predator Management Policy had no details until one day before the public comment period ended.

The Commission repeated this for its October meeting by adding two amendments to statewide fishing regulations with no public notice until the day of the meeting when sent by email from FWPs.

Less than 25% of public comments supported the proposed predator management policy and 34% expressed no specific position, with many citing the vagueness of the proposal and lack of information. Nonetheless, the Commission approved it unanimously.

The Commission shows clear bias against large carnivores such as bears, mountain lions and wolves. At its August meeting, one Commissioner asked, "why do we need to listen to the biologists?" The Commission then rejected the FWP's recommendation to reduce the wolf kill quota to 250 and instead approved 300 wolves to be killed by hunters and trappers. At the September meeting, Commissioners advocated increasing lethal pressure on predators in advance ("pre-increase") even where there is no evidence of declining ungulate populations.

The Commission previously approved killing more female black bears that could be killed than FWPs estimates are sustainable. It also set Mountain lion targets at numbers above recommended levels.

The Predator Management Policy discussion overlooked the possibility of increasing predator populations. There is no scientific evidence that wildlife herds in Montana are severely depressed by predators. For example, there are an estimated 157,308 elk in Montana, an increase of 90,000 since wolves reappeared in Montana, and 498,761 deer.

Late additions of motions and agenda items the day before, or even the day of a meeting leaves citizens little opportunity to submit meaningful written comments. For those whose work prevents them from attending either in person or online, this effectively denies their right to comment.

The report makes several recommendations, including:

•prohibit addition of motions, amendments and agenda items within 20 business days of any meeting of the Commission;

•require a minimum of 25 days for written comment periods;

•provide 15 minutes for presenters of citizen petitions and inform them by email at the time of approval to be heard by the Commission. Require a uniform time period for commenters. Commission meetings have allowed two minutes for people in physical attendance while those attending online were given one and a half minutes. Some people have had their time arbitrarily shortened to one minute;

•at least two members of the Commission should have a college degree in ecology, wildlife or fisheries biology or a closely related subject;

•alternate the terms of Commission members so that no one Governor can appoint all the members of any one Commission.

The report was authored by Missoula consultant Mike Bader on behalf of Footloose Montana, Gallatin Wildlife Association and Flathead-Lolo-Bitterroot Citizen Task Force.