

# LAW ENFORCEMENT

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Montanans value bighorn sheep in many ways. Beyond opportunities to see bighorn sheep in wild habitats across Montana, various programs such as the SuperTag and Bighorn License Auction—combined with the competition for drawing a license to hunt a bighorn, makes a bighorn sheep hunting license among the most coveted in Montana.

The high regard in which bighorn sheep are held also motivates some to do whatever they feel is necessary to take a trophy, regardless of the law. Illicit activity associated with bighorn sheep mounts and horns and complex poaching schemes continue to be law enforcement focus points. As such, law enforcement plays an important role in the protection and management of Montana bighorn sheep.

As stated previously, in Montana prior to 1974 no legally taken rams breaking a 200-point score were recorded in the Boone and Crockett records. Today, however, Montana is regarded as a likely site for a new world record. The thirst among some for world-record notoriety at any cost, combined with the potential monetary value of a bighorn sheep in the 200-point class, are two factors that contribute to illegal bighorn sheep-related activity in Montana.

Although penalties for the unlawful taking or possession of bighorn sheep have always been substantial (87-1-111 MCA), legislation passed in 2005 (87-1-115 MCA) provided additional restitution for the unlawful taking or possession of trophy animals. Under this statute, restitution for a person convicted of the purposeful or knowing illegal killing, taking, or possession of a trophy bighorn sheep with at least one horn equal to or greater than  $\frac{3}{4}$ -curl as defined by FWP Commission regulation was set at \$30,000. This is the highest restitution levied for a Montana wildlife offense and reflects the value that the people of the state place on bighorn sheep.

From January 1999 through December 2008, 35 cases involving bighorn sheep were prosecuted, and fines totaling \$15,866 were levied along with \$126,500 in restitution. Five of those cases involved the \$30,000 trophy restitution. In those cases, 12 people had their hunting, fishing, and trapping privileges suspended for a total of 140 years (FWP NTA Database).

During the past 10 years, 1-800-TIPMONT (Montana's natural resource crimes hotline) received 92 calls from the public reporting suspicious or unlawful behavior associated with bighorn sheep. Three of the five bighorn convictions involving trophy restitution initially came in as TIPMONT calls (TIPMONT Program Coordinator, pers. comm.).

## Enforcement Challenges

A number of new bighorn sheep challenges confront Montana game wardens, and are summarized below:

In Montana, it is illegal to pick up and possess sheep heads and horns even if the mortality was due to natural causes. Beginning in January 1982, plugging of previously possessed sheep heads was ended and prohibited by FWP rule. Both Wyoming and Idaho, however, allow the possession of bighorn sheep heads/horns found in the wild and require them to be plugged, to ostensibly provide a means through which unlawfully acquired Montana bighorn sheep can be legitimized. There is little prospect of current laws in either state being changed in the near future.

Within Montana, nonresident application restrictions for bighorn sheep licenses in certain districts (87-2-506(2) MCA) have led to unlawful outfitting and poaching convictions, suggesting that, for some, illegally obtaining such a bighorn sheep trophy is worth the risk of fines and restitutions.

In some areas of Montana, leased access through private land that surrounds bighorn sheep habitat on both private and federal Bureau of Land Management lands has led to difficult access for hunters and game wardens. State law requires wardens to obtain landowner permission prior to entering private property (with certain exceptions), which has also limited FWP's ability to investigate alleged illegal activities and check for hunter compliance.

Other enforcement challenges include transferring licenses among family members to conceal illegal harvests, the use of tribal sheep licenses to conceal bighorn sheep illegally taken outside reservation boundaries (Wright and Reno 1999), the use of unlimited sheep licenses for bighorn sheep taken from limited license districts, "finder's fees" for locating trophy class

sheep that some suggest can lead to illegal activity, spotting sheep from the air and hunting the same day, illegal use of cell phones and two-way radios, trespass, and unlawful off-road travel.

### **Enforcement Strategies**

The protection of Montana's bighorn sheep from unlawful exploitation has been and will remain an ongoing effort. Through the use of both covert and uniformed officers, large-scale, commercial and private illicit operations will continue to be pursued. The cost of these complex cases can be enormous, taking months and sometimes years to thoroughly investigate and prosecute. Although restitution from convictions is used to fund regional investigator positions, the time required required of field wardens and covert officers to build cases adds costs in terms of absence from other duties as well as major operational expenses.

Continued cooperation with local prosecutors and the Montana State Attorney General's office (which has a half-time prosecutor dedicated to wildlife crimes) in the pursuit of those involved with illegal bighorn sheep hunting will result in prosecution and convictions. Because of high penalties and trophy restitutions and the willingness of judges to impose significant privilege revocations, cases that are successfully prosecuted will be brought into the public spotlight. The regular imposition of stiff penalties will be a deterrent to some of those who might otherwise pursue unlawful activity. Nonetheless, the value of bighorn sheep, both monetary and intrinsic, remains high, and there will be those who are willing to break the law for monetary gain or personal aggrandizement.

The TIPMONT Program, in concert with work by FWP regional investigators and field wardens, will continue to play a crucial role in abating unlawful activities associated with bighorn sheep. Public understanding of the severity of the issue, coupled with a growing willingness to report suspicious or illegal activity, will continue to provide an important means for FWP Enforcement to expand what is a limited presence, considering the number of officers available in the field and the size of their districts to patrol. In essence, the hunting public plays a huge role in curtailing illegal activity as well as policing their own ranks.

Other strategies include enhanced saturation patrols of trophy and unlimited areas during key periods of the sheep season as well as the use of additional aerial surveillance and other tools to determine the distribution of hunters, particularly in western and central Montana (Wright and Reno 1999). Areas that are becoming popular as "trophy" areas need to receive heightened attention by both uniformed and undercover officers. analysis will include known movement patterns of bighorns, critical seasonal bighorn habitats, and habitats that may be threatened by human development. This effort will help FWP, other agencies, and interested parties in prioritizing efforts to protect bighorn sheep habitats and populations now and in the future.

