

big game - bears - black

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Montana Fish, Wildlife & Parks

BEE BEAR POLICY GUIDELINES FOR BLACK BEARS

Bear depredation to beehives is considered a specialized depredation problem. Consequently, the following guidelines are considered a supplement to the existing, more extensive game damage guidelines dated September 30, 1985. Existing statutes and rules classify bees as livestock. Bees must, therefore, be included with other livestock in statutes which address predation and other problems related to livestock (MCA 87-3-127 and MCA 87-3-130)(See Appendix A).

1. **COMPLAINTS:** Immediately upon discovery of depredation, complaints by beekeepers should be made first to local Federal Wildlife Services (FWS) agents and then to Montana Fish, Wildlife & Parks (MFWP) personnel. All bear depredation complaints to the MFWP will be investigated within 48 hours (MCA 87-1-225) (See Appendix A). The Regional Supervisor will accommodate coordination with Wildlife Services relative to the bear-bee issues at the Regional level.

MFWP personnel, who handle and/or respond to black bear incidents, will complete a game damage form and submit to the region prior to December 1 of each year.

MFWP will encourage Wildlife Services to assist only those beekeepers that have used or are willing to use proven preventative measures to protect their hives from bear depredation.

2. **PREVENTATIVE AND AVERSIVE CONDITIONING:** Whenever possible, preventative and aversive conditioning methods will be utilized to remedy problem situations. MFWP recommends that beekeepers attempt to prevent further bear depredation in bee yards by constructing an electric fence around the afflicted bee yard.

If depredation continues to an electric fenced yard, then it is recommended that the bee yard be moved to an area with no or limited bear activity and then constructing an electric fence around the new yard. FWP has a video and several publications on the construction of Abear-proof \cong electric fence. Federal Wildlife Service agents will distribute preventative information. In some cases, bears may be displaced by firing bird shot, rock salt, cracker shells and deterrent rounds or by setting up a propane scare gun. Bears can also be displaced by baiting them into a hive that is triggered with a device that sprays the bear point-blank with ACounter Assault \cong , concentrated slurry of cayenne pepper. NOTE: Use of "Bear Spray" should be evaluated on a case by case situation. It can be dangerous to children and on repeated use, can become an attractant to bears. Also, there is evidence that certain specially trained dogs can be used to condition bears to avoid bee yards.

- 2a. **TECHNOLOGY:** MFWP will work towards refining of techniques for the protection of beeyards from depredating bears. As new technology becomes available, information may be pilot tested with cooperating beekeepers.

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- 2b. **COST SHARING:** The department will consider cost sharing protective structures in certain situations. In chronic bear problem areas, the MFWP may provide a charger, solar panel, battery and fencing materials as the budget allows, to beekeepers who wish to protect their beehives with preventative measures and who are willing to cost share the materials and erect and maintain such a fence. As a basic rule, the cost share should be 60% from MFWP and 40% from the beekeeper.
- 2c. **OTHER OPTIONS:** Other options, such as moving beeyards, should be considered when trying to reduce chronic bear problems. Beekeepers will be encouraged to prevent bear depredation.
3. **HUNTERS:** When needed, hunters will be utilized in removing known damage-causing bears during open bear hunting season. A hunter roster for damage hunts will be considered on a region by region basis and will be the responsibility of the regional supervisor.
4. **DESTROYING BEARS:** Beekeepers, as livestock owners, may shoot, on-site, bears that are destroying, or are threatening to destroy beehives (MCA 87-3-130). Beekeepers may trap, snare, or chase with dogs any bears that **have destroyed** beehives, (MCA 87-3-124 and MCA 87-3-127), after notifying Wildlife Services and MFWP. Any bears killed by beekeepers shall be reported to MFWP as soon as practical and no later than 72 hours (MCA 87-3-130). Individuals responsible for the death of a bear shall handle the carcass in accordance with MCA 87-3-102. (See Appendix A). After the report of a bear kill, MFWP personnel and the beekeeper will complete the depredation report and the necessary parts and data will be obtained. (e.g. tooth, claws, skull, hide carcass). Other livestock depredations (chickens, sheep etc.) should also consider the use of preventative measures when possible.
5. **TRAPPING:** Trapping or snaring will be used only after damage has occurred. All traps and snares must be checked at least every 12 hours (MCA 87-3-127). Trapping or snaring of bears by beekeepers must occur within 50 feet of beehives.
- 5a. **SACRIFICIAL HIVE:** Beekeepers using a beehive within 50 feet of an active, occupied, registered beeyard, for the purpose of trapping, snaring or shooting depredating black bears, are not baiting as defined under state law (MCA 87-3-101). (See Appendix A).

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6. **HOLDING BEARS:** Bears caught by agency personnel in culvert or live traps in the general vicinity of beeyards, but not known to have actually caused damage, will be held up to 12 hours in the trap so that stools may be inspected for evidence of having caused damage to beehives.
7. **RELOCATION:** Live-trapped bears that have no history of other nuisance problems, may be relocated under the following:
 - 7a. GUIDELINES FOR NUISANCE BLACK BEARS (See Appendix B)
 - 7b. INTERAGENCY GRIZZLY BEAR COMMITTEE (IGBC) GUIDELINES (See Appendix C)
8. **LIAISON:** The field services division will be responsible to maintain an active liaison with the Beekeepers Association to mutually seek preventative measures to protect beehives and discourage bears from damaging hives.

Approved by _____
Patrick J. Graham
Director
October 20, 1998

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Appendix A

Montana Fish, Wildlife & Parks Statutes (As Related to Nuisance Bears) 1997

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87-1-225. Regulations of wild animals damaging property--public hunting requirements. (1) Subject to the provisions of subsection (2), a landowner is eligible for game damage assistance under subsection (3) if he:

- (a) allows public hunting during established hunting seasons; or
- (b) does not significantly reduce public hunting through imposed restrictions.

(2) The department may provide game damage assistance when public hunting on a landowner's property has been denied because of unique or special circumstances that have rendered public hunting inappropriate.

(3) Within 48 hours after receiving a request or complaint from any landholder or person in possession and having charge of any land in the state that wild animals of the state, protected by the fish and game laws and regulations, are doing damage to the property or crops thereon, the department shall investigate and arrange to study the situation with respect to damage and depredation. The department may then decide to open a special season on the game, or if the special season method were not feasible, the department may destroy the animals causing the damage. The department may authorize and grant the holders of said property permission to kill or destroy a specified number of the animals causing the damage. No wild ferocious animal damaging property or endangering life shall be covered in this section.

87-3-101. General restrictions. Except as provided in 87-2-803(4), it is unlawful for anyone to hunt or attempt to hunt any game animal or game bird:

- (1) from any self-propelled or drawn vehicle.
- (2) on, from, or across any public highway or the shoulder, berm, or barrow pit right-of-way of any public highway, as defined in 61-1-202, in the state of Montana; or
- (3) by the aid or with the use of any set gun, jacklight, spotlight or other artificial light, trap, snare (except as allowed in 87-3-127 and 87-3-128), salt lick or bait.

87-3-102. Waste of fish or game. (1) A person who is responsible for the death of a mountain lion commits the offense of waste of game if the person abandons the head or hide in the field.

(2) A person who is responsible for the death of a grizzly bear commits the offense of waste of game if the person abandons the head or hide or any parts required by the department or commission regulation for scientific purposes. All parts of a grizzly bear required by department or commission regulation for scientific purposes must be delivered to an officer or employee of the department for inspection as soon as possible after removal, and the department shall return to the licensee any bone structure and skull within 1 year upon written request. The hide must be returned immediately.

(3) A person responsible for the death of any game animal, except a mountain lion, commits the offense of waste of game if the person:

(a) detaches or removes from the carcass only the head, hide, antlers, tusks, or teeth or any or all these parts.

(b) wastes any part of any game animal, game bird, or game fish suitable for food by transporting, hanging, or storing the carcass in a manner that renders it unfit for human consumption; or

(c) abandons in the field the carcass of any game animal or any portion of the carcass suitable for food.

Montana Fish, Wildlife & Parks Statutes (As Related to Nuisance Bears) 1997

(4) A person in possession of a game animal or game animal parts, game bird, or game fish suitable for food commits the offense of waste of game if the person:

(a) purposely or knowingly transports, stores, or hangs the animal, bird, or game fish in a manner that renders it unfit for human consumption; or

(b) disposes or abandons any portion of a game animal, game bird, or game fish that is suitable for food.

(5) For the purposes of this section, the meat of a grizzly or a black bear that is found to be infected with trichinosis is not considered to be suitable for food.

(6) Any person convicted of waste of game may be fined not less than \$50 or more than \$1,000 or imprisoned in the county jail for a term not to exceed 6 months, or both.

87-3-124. Restrictions on hunting with dogs. (1) (a) except as provided in 87-3-127 and subsection (2) of this section, a person may not chase with dogs any of the game or fur-bearing animals as defined by the fish and game laws of this state.

(b) A person may take game birds during the appropriate open season with the aid of a dog or dogs. Any person or association organized for the protection of game may run field trials at any time upon obtaining written permission from the director.

(c) Any peace officer, game warden, or other person authorized to enforce the Montana fish and game laws who witnesses any dog attacking or killing hooved game animals may destroy that dog without criminal or civil liability.

(2) The commission has authority to allow and regulate the use of dogs for hunting and chasing mountain lion and bobcat.

87-3-127. Taking of stock-killing animals. (1) Livestock owners or employees of the department or the federal fish and wildlife service may use dogs in pursuit of stock-killing bears, stock-killing mountain lions, and stock-killing bobcats. Other means of taking stock-killing bears, stock-killing mountain lions, and stock-killing bobcats may be used except the use of deadfall.

(2) Traps used in capturing bears shall be inspected twice each day with inspections 12 hours apart.

87-3-130. Taking of wildlife to protect persons or livestock. (1) This chapter may not be construed to impose, by implication or otherwise, criminal liability for the taking of wildlife protected by this chapter if the wildlife is molesting, assaulting, killing, or threatening to kill a person or livestock. A person who so takes wildlife protected by this chapter shall notify the department within 72 hours.

(2) A person may not intentionally provide supplemental feed to game animals in a manner that results in an artificial concentration of game animals that may potentially contribute to the transmission of disease. A person who violates this subsection is guilty of misdemeanor and is subject to supplemental feeding activities conducted by the department for disease control purposes.

(3) As used in this section, Alivestock≡ includes ostriches, rheas, and emus.

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**Appendix B
Guidelines for Controlling Nuisance Black Bears**

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Appendix C

**INTERAGENCY GRIZZLY BEAR COMMITTEE (IGBC)
GUIDELINES**