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Gerald and Deborah Roe Fur Farm Stevensville, MT **Decision Notice** February 6, 2013

Proposed Action

Fur Farms--whether for the purpose of pelting adult furbearers or selling of live furbearers--are allowed by Montana statute § 87-4-1002, Montana Code Annotated (MCA), and are regulated by the laws under that section as well as by the Administrative Rules of Montana (ARM) 12.6.1702.

Montana Fish, Wildlife and Parks (FWP) received an application dated February 22, 2013 from Gerald and Deborah Roe for a commercial Fur Farm License to raise and sell domestic Bobcats and Lynx to the general public. The proposed Fur Farm facility would be located at 472 Wild Iris Road in Stevensville, MT 59870.

FWP proposes to issue a Fur Farm License to Gerald and Deborah Roe whose address is at 472 Wild Iris Road in Stevensville, MT 59870. The license will allow the possession of captive-reared bobcats and lynx, lawfully obtained from a licensed dealer, for propagation and for sale of their off-spring to the general public.

Prior to FWP issuing this license, Gerald and Deborah Roe must be in compliance with all applicable FWP Fur Farm rules and regulations, as well as any applicable Ravalli County regulations and licenses. It is Gerald and Deborah Roe's responsibility to keep current with any changes in the laws or regulations.

Montana Environmental Policy Act

FWP assessed the impacts of this proposal to both the human and physical environments. These effects were disclosed in the draft Environmental Assessment (EA) to comply with the requirements of the Montana Environmental Policy Act (MEPA). The Gerald and Deborah Roe Fur Farm EA was first available for public comment from May 7 through May 20, 2013. Legal notice was published once each in the *Bitterroot Star* (Stevensville; May 15), *Missoulian* (May 10), and *Ravalli Republic* (Hamilton; May 10) newspapers. FWP also mailed 8 copies of the EA to adjacent landowners and interested individuals, groups and agencies. The EA was available for public review and comment on FWP's web site (http://fwp.mt.gov/, "Recent Public Notices") from May 7 through May 20, 2013. This EA was also made available for a second public comment period from June 19 through July 18, 2013. Revised legal notice for this second review period was published once each in the *Bitterroot Star* (June 26), *Missoulian* (June 21), and *Ravalli Republic* (June 22) newspapers. The EA was again available for public review and

comment on FWP's web site (http://fwp.mt.gov/, "Recent Public Notices"), this time from June 19 through July 18, 2013.

Summary of Public Comment

FWP received 11 total comments representing 5 individual people and 2 groups (Alliance for the Wild Rockies and the United States Fish and Wildlife Service). Those persons indicating residence included one from Clancy and 2 from Helena.

Of the total 7 people/groups making comments, none stated support of the proposed fur farm and 4 opposed it. The remaining 3 did not indicate support or non-support but had detailed questions about the Draft EA and the specific impacts of the proposed fur farm. All comments may be viewed by contacting Mike Lee, Commercial Wildlife Permit Manager at FWP's Enforcement office in Helena (1420 E. Sixth Ave., PO Box 200701, Helena, MT 59620-0701).

Public Comment and FWP Responses

Below is a summary of public comments and FWP responses. For ease of response, similar comments from different parties are grouped together if they expressed a similar view or posed a similar question.

<u>Comment</u>: Will animals be captured or trapped from the wild to stock the proposed fur farm? Where will the animals be obtained from?

FWP Response: No wild animals will be trapped and put into the fur farm. All breeding stock for fur farms in Montana must originate from other private stock, either from within Montana or from another legally licensed private facility in another state.

<u>Comment</u>: What are the dangers to wild populations of bobcats and lynx with regards to genetically transferrable diseases or general transfer of problem illnesses and disease and what are those diseases?

FWP Response: There is potential for ingress or egress of animals but that is mitigated through fencing requirements to hold the captive animals securely, disallowing egress or ingress. Many diseases in domestic animals are mitigated through proper veterinary care and vaccinations. These fur farm animals carry a substantial economic value and it is in the best interest of the fur farm operators to protect them from wild populations and other domestic animals.

Comment: Are there genetic differences in the captive animals vs. the wild animals?

FWP Response: Potentially, since by law captive fur farm animals must be purchased from existing private fur farms. However, no genetic testing is required of fur farm animals by law.

Comment: Do animals placed into close proximity increase disease transmission or communicability?

FWP Response: Potentially; however, any potential for disease transmission is mitigated through proper vet care and vaccinations as stated before.

<u>Comment</u>: What are the dangers or potential impacts to domestic animals and livestock? If diseases, what are they?

FWP Response: Again, fencing requirements would not allow for ingress or egress of other animals

and vet care would mitigate illness or disease problems.

<u>Comment</u>: What is being done with regard to animal escape (ingress and egress) and nose to nose contact with wild animals?

FWP Response: The animals are required to be housed in an approved fenced enclosure as stated before.

Comment: Why did a Game Warden prepare this EA instead of a Wildlife Biologist?

FWP Response: Game Wardens are well versed in the laws and regulations of the state of Montana regarding fur farms as well as many of the diseases and disease issues associated with captive animals. Wardens are routinely tasked with completing fur farm EAs that are permitted through FWP. In the course of such reviews, Wardens consult with wildlife biologists as well as other individuals who provide important expertise or points of insight for the final decision. (See FWP Director Jeff Hagener's Letter attached in EA materials.)

<u>Comment</u>: Why was there no consultation with the United States Fish and Wildlife Service (USFWS) regarding the lynx on this proposal?

FWP Response: The USFWS was given ample opportunity to comment on the proposed fur farm through the comment periods. The captive reared and bred lynx and bobcats to be held in the fur farm are statutorily defined as private property, i.e., not subject to the Endangered Species Act protections (as wild populations are), making them outside the scope of USFWS authority.

<u>Comment</u>: How can someone possess a lynx since they are on the threatened and endangered list?

FWP Response: Lynx and all furbearers captively reared or raised are statutorily defined as private property and therefore are not part of wild populations considered threatened or endangered.

<u>Comment</u>: What regulatory mechanisms, enforcement, or monitoring commitment is there to prevent or hold applicants responsible for animal cruelty issues?

FWP Response: All licensed fur farms in Montana are subject to scheduled or impromptu inspections as necessary for state law and regulation compliance. Also, the United States Department of Agriculture (USDA) has full authority to enforce provisions of the Animal Welfare Act as needed.

<u>Comment</u>: There is no reporting / monitoring plan disclosed in the EA, why?

FWP Response: Again, all licensed fur farms in Montana are subject to annual reporting outlined in § 87-4-1011, MCA, and in ARM 12.6.1701(6) prior to license renewal. Monitoring of the farm is accomplished with scheduled or impromptu facility inspections, also outlined in § 87-4-1007, MCA.

<u>Comment</u>: Are there state provisions or laws regarding unlicensed individuals buying lynx from a licensed fur farm as "pets" or do they need a fur farm license as well?

FWP Response: Fur farm lynx can be possessed in Montana as pets. The fur farm license allows individuals to legally sell the lynx in the pet trade as live animals and as pelted furs. Individuals purchasing animals from a legally licensed fur farm with no intent to sell the animal they purchase

are not required by law to hold a valid fur farm license.

<u>Comment</u>: What protections or restrictions are in place to prevent someone from buying a lynx to keep as a pet to then be released into the wild?

FWP Response: Economic considerations in owning a lynx would normally prevent a reasonable person from allowing a lynx to escape to the wild. The lynx held as pets are also habituated to humans and rely on them for food and would not likely survive without the supplemental feeding provided by their owners.

Final Environmental Assessment for Fur Farm

Although minor impacts were identified, no potentially significant impacts to the human or physical environment were identified in the EA or through public comment. The EA and this decision notice with all applicable mitigation measures for licensing will serve as the final EA document.

Mitigation measures included for this Fur Farm License

- 1. FWP has the right and responsibility under § 87-4-1007, MCA, to conduct periodic inspections of Fur Farms. Inspections by the USDA will assure the welfare of the animals housed on site in compliance with the Animal Welfare Act.
- 2. Fur farm operators must comply with all state statutes and administrative rules concerning fur farm operations. This fur farm license is subject to revocation for non-compliance of any of the aforementioned under 87-4-1013, MCA.

Decision

Based on the information in the EA, it is FWP's decision to proceed with the proposed action to approve and issue a Fur Farm License to Gerald and Deborah Roe located at 472 Wild Iris Road in Stevensville, MT 59870.

Based on the analysis in the EA and applicable laws, regulations and policies, FWP has determined that this action will not have a significant effect on the human or physical environment. Therefore, FWP concludes that the EA is the appropriate level of analysis, and an Environmental Impact Statement is not necessary. If you have questions regarding this decision notice, please contact the FWP office at the address or contact numbers in the document letterhead.

_/s/ Randy Arnold	2/6/2014
Randy Arnold	Date
Region 2 Supervisor	