DECISION NOTICE

Montana Beaver Transplant Program

April 10, 2026

ACTION

With this action, Montana Fish, Wildlife and Parks (FWP) hereby adopts the Draft Environmental Assessment (EA) as final, without modification, and approves Alternative 2, the proposed action. Some changes were made to the Draft EA and the Montana Beaver Transplant Program Rules and Guidelines for Practitioners document based on public comment, and those changes are outlined on pages 31 and 32 of this Decision Notice (DN).

AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT

According to the applicable requirements of the Montana Environmental Policy Act (MEPA) and its implementing rules and regulations, before a proposed action may be approved, environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected human environment. The level of environmental review will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. The agency is responsible for adjusting public review to match these factors. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (MCA).*

Based on these factors, FWP determined a Standard EA constitutes the appropriate level of review for the proposed action. Therefore, to assess and disclose potential impacts of the proposed action, FWP prepared a Draft EA for public review and comment. See *Public Participation Process* below.

Further, FWP must consider any substantive comments received in response to an EA and proceed in accordance with one of the following steps: determine the EA did not adequately reflect the issues raised by the proposed action and issue an Environmental Impact Statement (EIS); determine the EA did not adequately reflect the issues raised by the proposed action and issue a supplemental EA; or determine the Draft EA adequately addressed the issues raised by the proposed action and make a final decision, with appropriate modification resulting from the analysis provided in the Draft EA and the analysis of any substantive public comments received. See *Public Comment and FWP Response* below.

PUBLIC PARTICIPATION PROCESS

The Draft EA was made available for public review and comment from 09/26/2025 to 10/27/2025. The Draft EA was posted on FWP's Public Notice webpage: https://fwp.mt.gov/news/public-notices. A press release notified the public of the availability of the Draft EA for public comment. The Draft EA was also

made available for public review on the Environmental Quality Council (EQC) website: https://leg.mt.gov/mepa/search/, by individual request, and through notice to identified interested parties. FWP received comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

The activity of beavers in stream systems has the potential to bolster natural water storage at a landscape scale while providing some of the most biologically rich habitats in Montana for fish and wildlife. Unfortunately, beavers occupy only a fraction of their former range in the state. As a result, their ecosystem engineering capabilities, which offer a myriad of benefits to humans and wildlife, are not being fully realized.

There are two reasons for the lack of beavers in areas of their former range:

1) Human development in and around floodplains has made large swaths of former habitat unsuitable for beavers due to conflicts with humans.

2) Long-term stream degradation that started with the colonization of North America has left many streams in a degraded state that cannot support beaver activity at the level that leads to the ecosystem services for humans and healthy habitats for wildlife.

The proposed action would address both issues at once. The proposed Montana Beaver Transplant Program (MBTP) would implement a process for transplanting beavers in Montana that allows for beavers that are in conflict with humans to be moved to areas where the probability of conflict is minimal and the beavers can restore stream systems and provide water storage benefits.

Restoring beavers to areas of their former range generally relies on low-cost techniques that work towards allowing beavers to take over and expand restoration work once a stream is suitable for colonization. Beavers therefore offer an opportunity to transfer the restoration work to the ecosystem, after some guidance by humans, so that the system can essentially repair itself. Tapping into that potential can address stream degradation and drought issues at a landscape scale. Additionally, partnering with beavers for stream restoration can save time, money, and energy for groups and agencies that are tasked with the conservation of water resources and restoring degraded streams and wetlands.

There are a variety of ways to restore beavers to areas of their former range. Passive methods, such as managing grazing or introducing large wood to structurally starved streams (e.g., planting trees, creation of log jams), can help restore baseline conditions beavers need to colonize historical habitats. More active methods include the construction of beaver dam analogs (BDAs) and other in-stream structures to attract beavers to a specific area and encourage them to build on and expand on these in-stream structures. Thoughtful management of human-beaver conflicts can help restore beavers on the landscape by increasing landowner tolerance for beavers and creating dispersal corridors through private lands. FWP and partners currently employ many of these methods to indirectly restore beavers to areas of their former range, and the most important aspect of this work is to have as many tools in the toolbelt as possible. A diversity of beaver restoration options helps restoration practitioners match the diversity of stream types, sources of degradation, and recovery pathways that exist across Montana's varying landscapes.

One critical tool for beaver restoration, largely absent from Montana, is beaver transplantation. Transplanting beavers in areas where their activities can be beneficial can be an effective method both to resolve human-beaver conflicts and to restore degraded stream systems. Currently, live-capturing and moving beavers in Montana requires an EA and Fish and Wildlife Commission approval for each transplant.

This regulatory burden makes beaver transplants unpalatable for FWP biologists because the investment in time, money, and energy to get a transplant approved is too cumbersome for the relatively modest restoration outcomes a single transplant project can bring about. Furthermore, under the current system, transplants are rarely, if ever, a viable option for resolving human-beaver conflicts. Landowners and land managers experiencing conflict issues seldom have time to wait for a transplant project to be approved through the MEPA and Fish and Wildlife Commission processes, which take many months. Yet, one of the most common beaver conflict-related calls FWP staff receive is a landowner who has a human-beaver conflict they need resolved but they do not want the beavers to be killed. There are also many situations where beavers need to be removed from an area, but a trapper is not willing to trap in the area because it is in an urban setting or is too close to areas with high use by humans and pets (e.g., trail systems). If these situations are not conducive to non-lethal beaver conflict resolution (e.g., culvert fences, pond levelers, tree wrapping), there is currently no other method available to resolve the conflict in a reasonable timeframe.

Streamlining Montana's processes and policies for transplanting beavers would allow FWP biologists and partners to more easily work with beavers as a restoration tool. Beaver transplants would provide an opportunity to remove beavers from areas where they are causing problems for people and move them to areas where their activities can benefit people, as well as ecosystems and the ecosystem services wildlife and Montanans rely on.

This Draft EA proposes and evaluates the establishment of the MBTP. The main body of the Draft EA provides an overview of the proposed transplant program and analyzes potential impacts from such a program on the natural and human environment. The Draft EA also references supplemental materials that outline the specifics of the program such as trapping protocols, holding facility standards, internal vetting process, etc. (MBTP Rules and Guidelines Practitioners).

Under the MBTP, beaver transplants would be approved statewide and authorized under an internal vetting process. This internal vetting process would replace the current system of individual EAs for each beaver transplant but would still require careful planning for each beaver transplant and tracking of project successes and failures. Beaver transplants would be limited to perennial streams with suitable habitat conditions for beavers and where potential conflicts with humans are minimal or can be mitigated. The proposed action would allow FWP staff, or individuals and groups under direct guidance of FWP staff, to live-capture beavers from human-beaver conflict situations or from large source colonies and transport those beavers to pre-determined, suitable habitats. The internal vetting process, which includes review of each transplant project by a team of biologists with intimate knowledge of the local stream systems and social settings, would assure that transplants occur in suitable habitat and do not represent an undue burden on landowners at or near release sites.

The proposed action would allow for beaver transplants without MEPA analysis for each transplant project. The Fish and Wildlife Commission would approve Transplant Areas, then it would be at the discretion of FWP, through its regional biologists, to undertake the transplant of beavers into those pre-approved areas. The Fish and Wildlife Commission would be provided an annual report on the program to help guide their analysis and decisions around any changes to the program.

PURPOSE AND NEED

The purpose of the proposed project is to develop a program to guide the transplant of beavers into suitable habitats in areas of their historical range in Montana. Beaver transplants would provide FWP and other restoration practitioners a powerful tool for addressing stream, riparian, and floodplain degradation in Montana. Beaver transplants would also provide another option to resolve human-beaver conflicts,

potentially solving a wildlife conflict issue in one location while addressing a habitat degradation issue in another.

The potential benefits of restoring beavers to streams in Montana include:

- Increasing water storage capacity through the expansion of beaver-influenced riparian habitats in headwater streams leading to improved late-season streamflow and greater ecosystem resilience to disturbances like drought, wildfire, and flooding.

- Encouraging floodplain connectivity to promote natural processes that create biologically rich habitats while reducing downstream damage to human infrastructure or degradation of stream systems due to excessive flooding and sedimentation.

- Expanding and enhancing stream, riparian, and floodplain habitats to benefit a wide range of game and nongame fish and wildlife species, including economically important game species as well as many Montana Species of Greatest Conservation Need.

- Maintaining a viable and accessible population of an important furbearing animal to sustain trapping opportunities and heritage into the future.

- Addressing beaver conflict issues in partnership with beaver restoration and alleviating property damage concerns while providing opportunities to engage with landowners on wildlife management and drought resilience issues.

- Addressing a frequent source of frustration from the public regarding the management of human-beaver conflict situations where landowners would like the conflict issues alleviated but do not want the beavers to be killed.

- Enhancing opportunities for community engagement and education around the importance of riparian areas and wetlands to overall ecosystem health and the value of learning to live with wildlife where possible.

Under the proposed action, FWP would be authorized to undertake or facilitate beaver transplants for a period of three years. Every three years, FWP and the Fish and Wildlife Commission would evaluate the MBTP through a report covering all activities associated with the program and then determine if the program should continue, cease, or if any changes are needed. Changes, such as new science and/or best management practices that are developed to improve the efficiency and success of beaver transplants, would be recommended to, or by, the Fish and Wildlife Commission. If substantial changes to the program or the scope of the program are proposed, they would be reflected in an updated version of the EA, which would be released for another public comment period. FWP would then seek approval from the Fish and Wildlife Commission to undertake additional beaver transplants. This process would be repeated until it is determined that the program is no longer needed. The details of beaver transplants, including the timing of individual capture and release efforts, would be guided by the MBTP Rules and Guidelines for Practitioners. See Supplemental Materials.

ALTERNATIVES ANALYZED

Alternative 1: No Action

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the Draft EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured.

Under the No Action Alternative, FWP would not streamline the process for transplanting beavers in Montana but would retain the current protocols and policies for transplanting beavers. Beaver transplants could still occur through the production of individual EAs and subsequent Fish and Wildlife Commission approval for each transplant project. This is the current system for conducting beaver transplants in Montana, and the burden of such a procedure has resulted in very few projects being proposed and conducted in the state's history. That trend would be expected to continue under the No Action alternative. Stream and riparian area degradation would continue to be addressed through individual stream restoration projects but would proceed at smaller spatial scales than could be achieved through a multi-pronged approach to beaver restoration, and would continue to require direct inputs from FWP and other restoration practitioners. Benefits of the proposed action would not be realized as beaver restoration would only occur at relatively small spatial scales and over long time periods. The opportunity to relieve human-beaver conflicts while promoting stream restoration would not be realized, and human-beaver conflict issues would continue to be alleviated using non-lethal techniques to mitigate property damage or trapping to lethally remove the beavers if a non-lethal option does not work.

Alternative 2: Proposed Action
Under the Proposed Action, FWP would implement the MBTP, streamlining the process for transplanting beavers and providing another tool for addressing human-beaver conflicts and restoring stream systems in Montana. The MBTP would complement a variety of other efforts to reduce human-beaver conflicts and partner with beavers for stream and wetland restoration. Thoughtful management of beavers in the state could lead to a myriad of natural resource benefits, including the conservation of fish and wildlife species and bolstering the state's economy. The proposed action would also provide beaver management options for scenarios where non-lethal conflict devices or lethal trapping are not viable solutions.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive public comments on the Draft EA. A substantive public comment is defined as the identification of a specific issue or impact. In some cases, multiple individuals provided the same or similar comment; these comments were summarized, categorized, listed once, and a single FWP response is provided below. The following constitutes a synopsis of public input received and FWP's response to those comments. All comments received as part of the public comment period are provided in Appendix A, which is provided as an attachment to this DN.

COMMENT #1: LIVE-TRAPPING OF BEAVERS

A commenter expressed concern that live-trapping of beavers needed to be done by licensed, experienced trappers using proper equipment, and that these trappers may need some sort of compensation to incentivize participation in the MBTP due to the costs of capturing and transporting beavers. The commenter expressed that they have been trapping for many years and always wished transplants were an option, especially during certain times of the year when requests for addressing human-beaver conflicts are high.

FWP RESPONSE:
FWP appreciates the commenter's eagerness to be involved with live-trapping beavers to support the proposed MBTP. FWP agrees that people live-trapping beavers should be experienced and have the proper

equipment. On page 35 of the MBTP Rules and Guidelines for Practitioners, FWP states that "Live trapping of beavers will only occur under the authority of FWP, either by FWP personnel or by trappers assessed by FWP to be qualified for such activities." This requirement, and the fact that the trapper(s) that will be live-capturing beavers for a transplant project will need to be listed in the application packet, means that the FWP biologist review team will have the ability to make sure practitioners are partnering with experienced trappers. FWP and its partners will be exploring ways to compensate trappers that assist with live-capturing beavers.

COMMENT #2: POTENTIAL FOR HUMAN-BEAVER CONFLICTS

Many commenters expressed that the potential for creating new human-beaver conflicts at or near release sites will be a significant hurdle for the MBTP's success.

FWP RESPONSE:

The MBTP Rules and Guidelines for Practitioners outline many ways in which the program is designed to minimize the chances of transplanted beavers causing human-beaver conflicts in a new location. First, it is required that all landowners within and close to a Transplant Area will be contacted about the project and will have the opportunity to voice their approval or disapproval. That information is captured in the Transplant Area Authorization Form (TAAF), which is subsequently reviewed by the FWP biologist team (i.e., area game biologist, area fisheries biologist, regional nongame biologist). The TAAF will then be reviewed by the Fish and Wildlife Commission during annual meetings where they approve new Transplant Areas. Therefore, any substantial opposition from affected landowners will be on the record and may cause the project to be majorly adjusted or abandoned entirely. Second, if transplanted beavers cause a conflict on nearby lands, those beavers could be recaptured and transplanted elsewhere or lethally removed by project staff or a hired trapper. This could be done outside of the trapping season if needed through FWP's beaver damage permit system. Third, where the new beaver conflict is occurring, FWP could partner with a group like the Montana Beaver Conflict Resolution Program (BCRP) to try a non-lethal device (e.g., culvert fence, pond leveler, tree wrapping) before moving on to lethal trapping or moving the conflict-causing beavers to a different Transplant Area. Even with all these safeguards, FWP recognizes and expects there will be limited instances where transplanted beavers move out of the Transplant Area and cause problems for adjacent landowners. FWP will work with these landowners to come up with solutions for the problem using the means and methods outlined above.

COMMENT #3: NEED FOR TRAPPING RESTRICTIONS TO SUPPORT TRANSPLANT PROJECTS

Several commenters expressed concern that significant time, money, and energy would be put into capturing, housing, and releasing beavers, only to have those investments wasted due to recreational trapping in the Transplant Areas. These commenters are concerned that, when a temporary trapping restriction is lifted in a Transplant Area, the beavers will be killed off by trappers as there will be no further quotas or bag limits. Several commenters pointed out that beaver transplant efforts may involve taxpayer dollars and biologists' time, and they do not want to see their tax dollars misused.

Several commenters suggested that trapping restrictions should be extended beyond the boundaries of the Transplant Areas to protect beavers moving in and out of the Transplant Areas.

One commenter suggested a change to the overall beaver trapping season (shortening to 6 months statewide) to support beaver recolonization more generally.

FWP RESPONSE:

The MBTP Rules and Guidelines for Practitioners outline a protocol for those conducting transplant projects to request a mandatory trapping restriction in the Transplant Area to protect investments made in re-

establishing beavers. These trapping restriction proposals will be presented to the Fish and Wildlife Commission at their August meeting on an annual basis. If the Fish and Wildlife Commission denies a mandatory trapping closure, project staff can still post signs asking trappers to voluntarily avoid trapping beavers in the Transplant Area.

Trapping restriction requests must come with a measure of success that will lead to the trapping restrictions being eased or lifted. This is to avoid a situation where a trapping restriction is put in place and left in place forever despite a viable, self-sustaining population of beavers being established in the Transplant Area. FWP biologists will have the option to request limited reopening of drainages to trapping, such as through the implementation of a Beaver Management Area (e.g., Upper Madison Beaver Management Area), to better control trapping pressure in a Transplant Area, or simply to gauge interest in beaver trapping in the Transplant Area before fully re-opening it to trapping.

Those proposing beaver transplant projects should be proposing Transplant Areas that are large enough to avoid needing an extension of the trapping restrictions outside the boundary of the Transplant Area. Layering Transplant Area boundaries and separate, but related, trapping restriction boundaries would present an unnecessary level of complexity both for project partners and for trappers.

It is outside the scope of this proposal to adjust the general beaver trapping season. The Draft EA evaluates the proposal to develop a beaver transplant program in Montana, which does have some potential restrictions on trapping tied to it, but it does not seek changes to beaver trapping seasons more generally in Montana.

COMMENT #4: NEED FOR OUTREACH AND COMMUNICATIONS TO SUPPORT THE MBTP

Several commenters expressed that outreach to, and communication with, key user groups and affected stakeholders will be critical to communicate the purpose and need of the MBTP, provide resources and trainings on the suite of tools for addressing human- beaver conflicts (including non-lethal conflict resolution, lethal trapping, and translocation), and help constituents understand the value of beaver-modified systems on the landscape. One commenter specifically recommended FWP develop a comprehensive outreach strategy focused on, and working directly with, agricultural producers, and recommended that county extension offices and conservation districts could be a good way to conduct this outreach.

Commenters also expressed that consistent outreach and communication will be critical during the development and implementation of individual projects, and provided additional stakeholders (i.e., county commissioners, public works employees, permittees with public land leases) that should be involved with project development and given the opportunity to support or oppose transplant projects in their areas .

One commenter expressed that FWP should work with neighboring states with established transplant programs to learn from their experiences and make the MBTP as effective as possible.

FWP RESPONSE:

FWP appreciates these thoughtful responses related to communications around the MBTP. FWP has made minor adjustments to the MBTP Rules and Guidelines for Practitioners that recommends additional outreach to groups and individuals not mentioned in the draft document.

FWP is emphasizing communication at every stage of beaver transplant projects. One of the main reasons for proposing the MBTP is to make sure that area biologists are on the front lines of evaluating and approving/denying transplant project proposals. These local biologists know the landscapes well and have

built relationships with the community in their areas, and they have a good sense of which groups and individuals should be contacted about potential transplant projects. FWP wants to avoid a situation where the level of outreach becomes burdensome and inefficient. For example, it may make sense to involve public works employees if a transplant project is proposed on county-owned property or on land through which a county road runs, but it may not make sense for every project. Again, the idea behind the MBTP is to make sure decisions around beaver transplants are made at the local level by staff with the most knowledge of local habitats, social structures, and attitudes towards beavers and beaver restoration in their communities.

FWP and its partners (e.g., Montana Beaver Working Group) have been working hard for many years to provide outreach and communication about the benefits of beavers on the landscape, and FWP is proud of those efforts. Additionally, FWP has worked for many years with partners like the BCRP and local trappers to provide technical and financial assistance and education around ways to address human-beaver conflicts. FWP and its partners will continue these efforts moving forward and would begin to incorporate the MBTP into those outreach efforts.

FWP will consider whether there is available staff time and funding to develop a comprehensive outreach strategy for agricultural communities, as suggested by one of the commenters. As mentioned above, the proposed MBTP establishes a process for beaver transplant projects to be proposed and implemented at a local level (i.e., by regional FWP staff). The MBTP does not propose or request dedicated staff or funding that would allow for a comprehensive outreach strategy for a particular community or industry.

FWP staff involved with the development of the proposed MBTP have been and remain in contact with many beaver relocators in other western states. This includes consistent participation in multi-state work groups on the topic of beaver transplants. These partnerships have, and will continue to, allow us to do just what the commenters suggest, which is to learn from other states that have been doing beaver transplants for a long time about their communication and outreach strategies, as well as many other aspects of their beaver transplant programs.

COMMENT #5: GENERAL BEAVER TRAPPING

Many commenters expressed concern about beaver trapping regulations and practices in general in Montana. Several of these commenters expressed that the MBTP should not move forward unless trapping of beavers is banned or severely restricted statewide rather than in association with specific beaver transplant projects. Several commenters expressed the sentiment that areas without robust beaver populations are that way because the beavers were trapped or killed by humans in those areas.

Some commenters asserted that obtaining a damage permit to lethally remove beavers outside the trapping season is too fast and too easy.

One commenter asserted that all beaver conflicts can be resolved using non-lethal means (i.e., coexistence, translocation) so lethal removal is unnecessary and is both fiscally inefficient and cruel.

One commenter expressed that, given Montana's beaver trapping regulations, only 3 months of the year are available for using transplants as a way to address human-beaver conflicts.

One commenter suggested that lethal removal of beavers in human-beaver conflict situations is the result of knee-jerk reactions and anger and does nothing to help with the ecological problems beavers can help address (e.g., water storage, reducing erosion).

FWP RESPONSE:
The MBTP establishes a process by which beaver transplant can occur over a reasonable timeframe that allows for some human-beaver conflict situations to be addressed by live-capturing and moving the problem beavers to a location where they can benefit humans and wildlife. The MBTP does not open the door for broader changes to trapping regulations in Montana. As such, many of these comments are outside the scope of the proposed action.

Beavers can be absent from an area for many reasons. Trapping can be a cause for a lack of beavers in some areas, but assuming a lack of beavers in an area is due to trapping ignores the wide variety of other reasons beavers may be absent from an area with suitable habitat. Beavers are prey for many large carnivores in Montana and fall victim to a wide range of diseases. For example, in a study of beaver populations in the upper Gallatin River drainage, the authors noted widespread die-offs of beavers in two drainages due to the bacterial disease tularemia (Ritter 2018), and this has been noted in other areas of Montana and western North America as well. Visitors to these drainages in subsequent years might wrongfully assume trappers came in and decimated the beavers in those areas.

Beaver damage permits were relatively easily to obtain from FWP in the past. However, over the last 10 years FWP wardens, biologists, and administrative staff have been more conservative about issuing beaver damage permits. For most FWP offices, it is now standard protocol to encourage landowners to wait until the trapping season, if possible, to lethally remove beavers so that the pelts and other animal products can be used by trappers. Additionally, where the BCRP is active in Montana (i.e., Regions 1-4), FWP staff and others try to guide landowners experiencing beaver conflicts towards this program to attempt non-lethal conflict management before moving on to lethal removal via a damage permit. In Regions 5-7, FWP staff are still encouraged to have landowners reach out the BCRP, who can provide consultation and device designs remotely for landowners outside their coverage area. FWP will continue to work with the BCRP moving forward to expand the program to offer help with human-beaver conflicts.

The MBTP would be available as a method to alleviate human-beaver conflicts during July 1 through November 30, but only when there are approved Transplant Areas near where the human-beaver conflict is occurring. Beaver transplants could still be used to address human-beaver conflicts during the furbearer trapping season and during the season where damage permits are available, as long as the transplant still occurs between July 1 and November 30. One of the main motivations for proposing the MBTP is to make sure there are many options to alleviate human-beaver conflict issues throughout the year so that multiple methods are available to landowners and land managers during any given season.

Beavers are not an imperiled species in Montana, and they can be prolific in the right conditions. Additionally, their ability to drastically modify habitats to suit their needs means that: 1) beavers can occupy an exceptionally wide range of habitats, and 2) they can cause large amounts of damage to human infrastructure in a short period time. Therefore, within the broader goal of restoring beavers to areas of their former range at large spatial scales in Montana, there must be a foundation of human-beaver conflict management to make sure there is tolerance for beavers in Montana. If landowners and land managers do not feel empowered to deal with impacts of beavers (e.g., property damage), they are unlikely to be supportive of efforts to restore beavers to more areas of their former range. The lethal removal of beavers is a key component of any broader effort to expand beaver-modified habitats on Montana's landscapes.

COMMENT #6: ANIMAL WELFARE
One commenter expressed concern about the welfare of beavers that are live-trapped and translocated as part of the MBTP, noting that capturing wild animals comes with significant risk to those species and that the close-knit family groups beavers live in will make successful translocation challenging. The commenter

also expressed that successful recovery of species using transplants hinges on natural reproduction and dispersal/colonization processes as well. They noted that the Draft EA does not include information on the success rates of transplanted beavers in other states and programs.

FWP RESPONSE:
FWP appreciates, and shares, the commenter's concerns about animal welfare. The MBTP Rules and Guidelines for Practitioners were designed based on input and expertise from beaver transplant programs across the western U.S. and represent current best management practices to ensure the welfare of beavers that are used in transplant projects. Transplanting any wildlife species is complex and comes with a lot of uncertainty. Beaver transplant programs in the western U.S. have a wide range of success rates establishing beavers in target areas and have developed strategies to maximize success. FWP incorporated these methods into the MBTP Rules and Guidelines for Practitioners document (e.g., building starter infrastructure at release sites, capturing and moving entire family units at once).

Regarding the success rates of other beaver transplant programs, FWP offers the following from Ritter et al. 2023: "The success rate of transplanting beavers, where "success" is generally defined as beavers establishing a colony near a release site for at least one year, is often less than 50% (McKinstry and Anderson 2002, Babik and Meyer 2015, Petro et al. 2015, Brick and Woodruff 2019; review in Pollock et al. 2017). When transplanted beavers are released into areas where BDAs, human-built lodges, plantings, and other site preparations are done before the release, the success rate is higher, but still rarely exceeds 60% (Babik and Meyer 2015, Brick and Woodruff 2019). Transplanted beavers generally suffer high mortality rates (McKinstry and Anderson 2002, Petro et al. 2015), leave the area to settle in suitable habitat elsewhere (Babik and Meyer 2015, Brick and Woodruff 2019), or leave the area and settle on adjacent lands where they may come into conflict with humans. Because of this low success rate, transplants should only be used in specific situations and only after a thorough analysis of the restoration site has concluded that natural colonization is unlikely."

Over the 10 years since many of these reports were published, practitioners across the western U.S. have continued to refine their methods to bolster success of beaver transplants. Practitioners are now reporting success rates approaching 75% when best management practices are followed (see report from the National Wildlife Federation titled "Beaver Management Planning: A Review of Existing Plans and Programs with Recommended Best Management Practices"). FWP remains engaged in national working groups focused on beaver transplants to learn from experienced practitioners. Additional trainings, guidebooks, publications, and reports continue to be released on this topic, and FWP will continue to update and refine methods based on the experiences of other states. FWP will also make our own reports on the MBTP available to contribute to this burgeoning knowledge base.

FWP and its partners that engage with the MBTP will be looking for opportunities to use beaver transplants to reconnect larger metapopulations of beavers on Montana's landscapes where natural dispersal and colonization can maintain these populations in the long term. This will be done for two reasons: 1) to ensure beaver populations are not reliant on continued transplants for long-term viability, and 2) because the benefits from beavers (e.g., fish and wildlife habitat, natural water storage) are dependent on beavers being able to colonize, abandon, and recolonize habitats over time and space. Beavers need to be functional in the stream system as a whole and not just active in a specific area for the benefits of beavers to be fully realized. Instances of the MBTP being used to try and establish beaver populations in very remote areas with little to no chance of connection to other beaver populations will be rare.

COMMENT #7: WILDERNESS AND OTHER ROADLESS AREAS
Several commenters expressed concern about the analysis of potential impacts to Wilderness Areas,

Wilderness Study Areas, Recommended Wilderness, and other similarly protected areas, especially related to the use of motorized equipment to facilitate beaver transplants into these areas. One commenter, representing several organizations, suggested that "The adverse ecological impacts of fuels reduction, vegetation manipulation or prescribed burning – all characteristics of ongoing federal 'colonization' adventures – in roadless areas should be fully analyzed and disclosed." The commenter noted that these activities could cause a negative impact to beavers and other natural resources in roadless areas.

FWP RESPONSE:
The MBTP establishes the process by which beavers can be transplanted to suitable areas of their former range in Montana. It does not guarantee any transplant projects will be done, nor does it outline where projects will be done. Analyses of potential impacts to protected areas will come on a project-specific basis. The MBTP does not allow for circumvention of other laws and policies for protected areas. Using the commenters' example, if a transplant project was proposed in a designated wilderness area, project staff would follow rules related to not using motorized equipment for the transplant project. If project staff wanted an exception to those rules, they would need to propose that in a separate process in partnership/consultation with the appropriate land management agency and their environmental assessment process. The public would have another opportunity to provide input in this circumstance.

The "adverse ecological impacts of fuels reduction, vegetation manipulation or prescribed burning" in roadless areas is outside the scope of the proposed action, though these activities could affect habitat that may or may not be part of a beaver transplant project in the future. If these activities appear to make an area unsuitable for beavers, that would be reflected in the application process and could lead to an area not being approved as a Transplant Area under the MBTP.

COMMENT #8: TRAPPING OF OTHER FURBEARERS IN AREAS WITH TRAPPING RESTRICTIONS
One commenter expressed concern that still allowing the trapping of other semi-aquatic mammals (e.g., muskrats, mink, otters) in areas with beaver trapping restrictions in place due to a transplant project still puts those transplanted beavers at risk of being injured or killed by trappers. The commenter suggested that beaver experts should be consulted and should present at Fish and Wildlife Commission meetings where trapping restrictions are proposed associated with transplant projects.

FWP RESPONSE:
FWP appreciates this commenter's response, and FWP has made a change to the Draft EA and MBTP supporting documents to include otter trapping as restricted in the Transplant Areas where beaver trapping restrictions are implemented. Trappers targeting mink and muskrat do not pose a significant threat to the success of this program, as trapping for those species would generally occur in different areas and use smaller traps.

Trained FWP staff will be consulted with each beaver transplant project, including around the need for trapping restrictions and the biological basis for when the area may be re-opened to trapping. The Fish and Wildlife Commission will review each TAAF when considering approval of Transplant Areas, and the TAAFs will have been reviewed and adjusted based on the recommendations of beaver experts. This provides additional opportunities for input from beaver experts to be incorporated into decisions around beaver transplants.

COMMENT #9: NON-LETHAL CONFLICT RESOLUTION NEEDS
Several commenters expressed that non-lethal conflict resolution techniques and strategies should be used as a proactive measure when it comes to addressing human-beaver conflicts. Commenters expressed that non-lethal solutions should be attempted first, and transplants or lethal trapping should only be used after

non-lethal options have been exhausted.

Several commenters expressed that there should be more state-level support for non-lethal conflict resolution programs such as dedicated funding and staff, allocation of staff time, cost-share programs for landowners, and financial support for beaver damage to private lands.

Several organizations offered support for FWP-led or FWP partnership beaver coexistence programs.

FWP RESPONSE:
FWP and its partners have been, and will continue to, promote the use of non-lethal beaver conflict resolution as the first strategy when a human-beaver conflict is reported. Beaver transplants only will be permitted after a full assessment of non-lethal conflict tools. If the MBTP is implemented, FWP will issue guidance on beaver conflict management in Montana via an updated version of Ritter et al. 2023. This guidance will encourage all landowners and land managers in Montana to try non-lethal conflict resolution devices first. If those techniques are not viable to resolve the conflict, FWP would then see if there is an active Transplant Area within a reasonable distance of the human-beaver conflict situation. If there is not a Transplant Area available, FWP would then encourage people to reach out to a trapper for lethal removal via the beaver damage permit system or the furbearer trapping season, depending on the time of year. FWP would provide training to staff on this protocol to help constituents with beaver conflicts.

FWP and its partners have also been promoting the idea of designing infrastructure projects (e.g., roads, trails, irrigation systems) with beavers in mind from the beginning. This includes things like sizing culverts to prevent flooding, locating trails and pathways outside of floodplains with suitable beaver habitat, and potentially installing non-lethal conflict resolution devices (i.e., pond levelers, culvert fences, tree fencing) ahead of time on infrastructure that is likely to attract beavers. FWP and its partners will continue to promote these ideas and techniques and will look for opportunities to provide technical and financial support for these methods in the future.

FWP has been working closely with the BCRP since its inception in 2019. This has included some financial support when funds are available to help with their cost-share program and equipment needs. This has included significant staff time from FWP's nongame biologists, who help filter and funnel human-beaver conflict calls to the BCRP and assist with landowner outreach. FWP game wardens and administrative staff also devote time to talking with people about their beaver conflicts and deciding when a conflict is appropriate for a response from the BCRP. FWP and its partners will continue to pursue ways to strengthen non-lethal conflict resolution programs and techniques in Montana and greatly appreciate the offers from several groups to help provide financial and institutional support for these efforts.

COMMENT #10: GEOGRAPHIC SCOPE OF THE MBTP
One commenter expressed that the MBTP should be expanded in the future to include intermittent and ephemeral stream systems, especially in the central and eastern parts of Montana, that "exhibit sufficient hydrologic permanence and woody-vegetation potential for beaver occupancy." Another commenter noted frequent observations of beavers providing wildlife habitat and ecosystem services in central Montana, and was supportive of the statewide approach of the Draft EA.

FWP RESPONSE:
FWP designed the proposed MBTP to be specific to perennial streams because the science behind the impacts of beavers on intermittent and ephemeral stream systems is not well-developed. Additionally, there is almost no information available on the success rates of beavers transplanted into these kinds of systems. Stream systems that occasionally dry out create a situation where the beavers likely will need to

be nomadic, meaning that transplanted beavers will leave the area where they are transplanted during parts of the year. This uncertainty, combined with the potential for beavers to come into conflict with humans, makes transplants into intermittent and ephemeral stream systems too risky for a transplant program that is in its infancy. FWP is open to expanding the scope of the MBTP in the future once the program has proven successful and more information is available about beaver impacts and movement in intermittent and ephemeral stream systems. There has been a rapid increase in the study of beavers in intermittent and ephemeral stream systems in recent years, and it is expected this information will become available soon.

Moreover, this subject came up several times during meetings with FWP's informal Beaver-Fisheries Work Group, a gathering of FWP fisheries biologists and members of the Montana Beaver Working Group. Several fisheries biologists expressed that "perennial" can be hard to define in some streams. For example, they knew of streams that may have surface water year-round for many years, but then the streams dry up in certain reaches during extreme drought. These discrepancies highlight one of the strong aspects of the MBTP as designed. All decisions around whether a project will move forward are decided by a group of local biologists covering the aquatic and terrestrial realms (i.e., game biologist, nongame biologist, fisheries biologist). This internal team, that will review and approve/deny all transplant project applications, will have the best knowledge about whether a given stream is "perennial enough" to support transplanted beavers with minimal risk of creating human-beaver conflicts.

Finally, FWP appreciates the commenter's support of the statewide approach of the Draft EA. FWP remains hopeful that transplants, at some point, will persist in central Montana when and where needed.

COMMENT #11: PARTNER INVOLVEMENT

One commenter expressed that FWP should "formalize partnership frameworks that enable qualified non-profit and tribal organizations to act as co-implementers under FWP sponsorship, thereby extending program reach and easing administrative burdens on regional biologists."

FWP RESPONSE:

This is exactly what the MBTP Rules and Guidelines for Practitioners are designed for. Qualified external organizations can do most of the work associated with a transplant project and FWP staff simply act as sponsors, making sure the project is well-designed and holding practitioners accountable to the MBTP's rules. FWP may also work with Tribal nations on beaver transplant projects, and FWP envisions future Memorandums of Understanding or similar agreements with Tribes that could allow for beavers captured off reservations to be moved onto lands within those reservations, and vice versa. However, as sovereign nations, Tribes have control over the fish and wildlife resources on their reservations and therefore do not need to engage with the MBTP unless they desire it, including being involved with FWP sponsorship of transplant projects.

COMMENT #12: LIABILITY

Several commenters expressed that FWP needs to develop a liability framework and/or compensation program associated with the MBTP to help landowners address damage caused by beavers that were transplanted as part of the MBTP.

FWP RESPONSE:

The MBTP is designed to minimize the chances of transplanted beavers causing human-beaver conflicts at or near where they are released. Human-beaver conflicts as a result of transplants may happen in some instances despite best practices in designing projects and conducting landowner outreach. When a human-beaver conflict can be directly traced back to a transplant project, then FWP and its partners will help

resolve that conflict. However, beaver colonization in a location indicates suitable habitat conditions. Therefore, beaver colonization may not have anything to do with a nearby transplant. FWP and partners are dedicated to making sure the best resources are available for landowners to address human-beaver conflicts, and those resources extend to everyone experiencing issues with beavers, whether they are near a Transplant Area or not. FWP will be exploring options for compensating landowners for damages caused by beavers that can be directly linked to a transplant project.

COMMENT #13: MONITORING REQUIREMENTS

Several commenters expressed a need for more robust and longer monitoring periods for projects implemented under the MBTP, and recommended annual reporting that includes economic impact metrics (e.g., forage production, water availability, infrastructure conflict costs, benefit to ranchers and anglers, tourism), habitat metrics (e.g., hydrogeologic and vegetation responses, interspecies interactions), and success metrics (e.g., beaver survival and dispersal, persistence of colonies). One commenter also recommended monitoring social and management indicators (e.g., landowner participation rates, conflict reports, coexistence practice adoption), and suggested collaboration with NGOs and universities to design and complete this monitoring.

Several commenters expressed that required monitoring should be extended for at least 3 years and there should be dedicated funding for monitoring efforts.

Several commenters expressed that FWP should use adaptive management based on monitoring results that includes data sharing with external partners and ability to adjust rules and regulations around the MBTP as lessons emerge.

FWP RESPONSE:

Monitoring is a critical component of beaver transplant projects for demonstrating success and tracking potential conflict issues that may develop. The suite of monitoring metrics proposed by commenters would require significant staff time and funding to complete. Language was added to the MBTP Rules and Guidelines for Practitioners encouraging these other forms of monitoring, but requiring them would be an unreasonable burden on project leaders and FWP. The MBTP does not propose or imply additional funding or staff, so resources for monitoring will be up to the groups and agencies proposing a given transplant project. Some transplant projects may have funding and staff available for monitoring that falls outside what is required through the MBTP Rules and Guidelines for Practitioners.

As suggested by the commenters, FWP and partners will engage with NGOs, universities, and the Montana Beaver Working Group to develop standardized monitoring protocols for metrics of universal interest (e.g., impacts on water storage), and seek ways to coordinate across projects so that data can be shared and analyzed holistically. FWP will also look for opportunities for dedicated research projects to address more localized concerns or to address broader questions about increasing transplant project success that may not require long-term monitoring or monitoring that needs to occur with every transplant project.

We also included a change to the Draft EA stating that monitoring of transplant projects must occur annually for at least three years after project completion, and that practitioners should be looking for other useful monitoring opportunities to complement their transplant projects.

COMMENT #14: POTENTIAL FOR CONFLICTS WITH OTHER SPECIES

Several commenters expressed concern about the impacts of beaver activity on conservation populations of fish, with specific concerns centered around impacts to bull trout, westslope cutthroat trout, and fish passage. Bull trout concerns included the need to restore bull trout habitat, potential for adverse

modification of bull trout habitat, need to consult with USFWS on impacts to bull trout, and need for consideration of Total Maximum Daily Loads in affected streams.

One commenter, representing several organizations, requested that FWP disclose all redd count data and trend analyses for bull trout and westslope cutthroat trout in potentially affected areas, and that FWP consult with the USFWS before proceeding with the proposed action.

One commenter, representing several organizations, requested that FWP carefully analyze impacts to fisheries and water quality, including consideration of sedimentation, increases in peak flow, channel stability, risk of rain-on-snow events, and increases in stream water temperature.

FWP RESPONSE:
The MBTP Rules and Guidelines for Practitioners require that a FWP fisheries biologist always be involved with evaluating proposed beaver transplants. These fisheries biologists will be one of three professional biologists who make decisions around whether to approve or deny beaver transplant project applications, and/or what additional stipulations need to be put in place for the project to move forward. These fisheries professionals will be looking for situations where beaver activity may cause negative impacts to fish populations of conservation concern and their habitats. Those potential negative impacts will weigh heavily on decisions around whether to move forward with a beaver transplant project or not. Those same fisheries biologists also will know when consultations with the USFWS will be necessary in relation to transplant projects.

The MBTP does not provide a permit or imply permission for any instream activities that may require a permit or consultation with the USFWS. Any installation of beaver dam analogs or manipulation of stream habitat conditions to prepare an area for beaver transplants will have their own permitting processes, and need for consultation with the USFWS will be triggered during those processes. There are huge swaths of potential beaver habitat that do not contain ESA-listed species in Montana, so a general consultation with USFWS is not needed. There are mechanisms in place to make sure that, when a transplant project might affect an ESA-listed species, the USFWS will be consulted.

The "potentially affected area" for the proposed action is perennial streams across the entire state that are within the historical range of beavers and have appropriate social and habitat conditions for beaver occupancy and success. The commenter can contact FWP via a Public Records Request to obtain redd count data and trend analyses for westslope cutthroat trout and bull trout at https://fwp.mt.gov/aboutfwp/contact-us/records-request

COMMENT #15: NEED FOR DEDICATED FUNDING AND STAFF
Commenters suggested that FWP should provide dedicated funding and staff or staff time to the MBTP. Several commenters expressed that the MBTP could create an administrative bottleneck for developing and implementing transplant projects, noting that fish and wildlife biologists are already over-burdened with workloads and may not be able to act as Project Sponsors when needed.

One commenter also noted that stable funding will be needed to support the construction, maintenance, and operation of beaver holding facilities.

FWP RESPONSE:
FWP appreciates the recognition by the commenters that many FWP biologists are over-burdened with workloads and may not be able to act as Project Sponsors simply due to lack of capacity. The MBTP is designed so that those proposing a project will have at least three different regional FWP staff to ask to be

a Project Sponsor (i.e., regional nongame biologist, area game biologist, area fisheries biologist). This should minimize the chances of no FWP staff being available to act as a Project Sponsor. The involvement of FWP staff as a Project Sponsor requires minimal time and effort from the Sponsor as long as the Project Lead has the time, funding, and staff to take on most of the aspects of the transplant project. In these situations, the role of the Project Sponsor is light, and involves making sure the internal review of the project application materials occurs, and that follow-up monitoring occurs. Project Leads that are expecting a lot of additional input or assistance from an FWP Sponsor may have a more difficult time finding that sponsor.

In situations where good transplant projects are proposed but a regional or area FWP biologist is not available to act as a sponsor, those proposing transplant projects will have the option to reach out to Torrey Ritter, nongame biologist in Region 2 and statewide beaver expert, to see if an alternative Project Sponsor may be available.

The MBTP does not identify dedicated staff time or funding for holding facilities. The MBTP describes a process by which beaver transplants can occur in Montana. FWP will not be constructing or operating holding facilities unless there is interest and funding available to do so within individual FWP regions or across regions. The MBTP Rules and Guidelines for Practitioners allow holding facilities to be constructed and maintained by entities outside of FWP if those facilities follow the minimum requirements laid out in the document. Therefore, external partners and funding sources can be used to construct, maintain, and manage beaver holding facilities.

COMMENT #16: LEVEL OF REVIEW

One commenter, representing several organizations, suggested that the Standard EA level of review was not sufficient, and that an Environmental Impact Statement should be developed instead. The commenter suggested that project-level MEPA analyses will likely be necessary when impaired waterways occur in a project area.

FWP RESPONSE:

In developing the Draft EA, FWP worked across divisions and with the Director's Office to determine the level of review required for the MBTP. FWP determined that a Standard EA was the appropriate level of review given that the proposed action only establishes a process and does not propose or guarantee any transplant projects. FWP agrees that there may be areas and transplant projects that require additional MEPA review, but those will be determined on a project-by-project basis. It is important to note that one of the main motivations for the proposed action is to streamline the process to make it more efficient to use beavers from human-beaver conflict situations as stock for transplants.

COMMENT #17: BEST MANAGEMENT PRACTICES

One commenter, representing several organizations, suggested that the Draft EA needs to include an in-depth analysis of BMPs [assumed to stand for "Best Management Practices" in this context] *in proposed transplant project areas and how beavers may or may not compliment BMPs meant to reduce sediment loads in streams from sources such as logging, grazing, burning, and other land-use practices. The commenter requested that the DNRC be prohibited from logging and burning in riparian areas designated for beaver transplants.*

FWP RESPONSE:

This comment is outside the scope of the proposed action. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in Montana.

COMMENT #18: IMPACTS ON WETLANDS AND RIPARIAN AREAS

One commenter, representing several organizations, requested that the location of all seeps, springs, bogs, and other sensitive wet areas need to be included in the Draft EA and the potential impacts of beaver relocation on these habitats needs to be discussed.

FWP RESPONSE:

This comment is outside the scope of the proposed action. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in Montana.

COMMENT #19: CUMULATIVE IMPACTS ANALYSIS

One commenter, representing several organizations, expressed that the cumulative impacts analysis in the Draft EA was insufficient, and that further analysis is required to explain how beavers will influence baseline conditions of waterways in the context of all past management activities.

FWP RESPONSE:

FWP believes that the background and cumulative impacts analysis in the Draft EA provide sufficient analysis of how beavers can influence the baseline conditions of waterways. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in Montana. The proposed action does not guarantee any number or location of beaver transplant projects. The effects of a beaver transplant project on the baseline conditions of a given waterway in a Transplant Area will be evaluated and considered on a project-by-project basis. All FWP staff, landowners, and partners involved with a potential Transplant Area will have an opportunity to weigh in on potential impacts to waterways in the area.

COMMENT #20: IMPACTS FROM AGRICULTURE

One commenter, representing several organizations, requested that FWP "[p]lease identify, quantify, locate on a map, and disclose to the public impacts to watersheds and westslope cutthroat trout and bull trout caused by livestock abuse and livestock infrastructure maintenance, including wallows, fords, diversions, and areas known to be impacted by livestock congregating in riparian 'hot spots'". The commenter noted that "livestock interests are frequently at odds with beavers and their natural behavior."

FWP RESPONSE:

This comment is outside the scope of the proposed action. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in Montana.

COMMENT #21: SINGLE-SPECIES APPROACH

One commenter, representing several organizations, suggested that a single-species approach is less likely to be successful when it comes to aquatic ecosystem restoration.

FWP RESPONSE:

In general, FWP agrees with the commenter that single-species approaches to wildlife and habitat management tend to be less successful than more holistic approaches. However, beavers are keystone species and ecosystem engineers. The habitats that beavers restore, maintain, and enhance can benefit dozens of species while also providing critical ecosystem services to humans. With beavers, single-species management translates to larger-scale benefits for floodplains and associated riparian areas and wetlands, as well as entire communities of species that use these habitats.

COMMENT #22: LOW-TECH, PROCESS-BASED RESTORATION

One commenter supported the integration of low-tech, process-based restoration (LTPBR) practices with beaver restoration, including beaver transplants. The commenter suggested FWP continue to look for opportunities in areas that have been treated with LTPBR structures (i.e., Beaver Dam Analogs, Post-Assisted Log Structures) to support these projects with transplanted beavers, and that FWP be a leader in this type of coordination statewide.

FWP RESPONSE:

FWP appreciates the commenter's suggestions, and FWP shares in their enthusiasm for partnering beaver transplants with LTPBR projects on Montana's landscapes. The MBTP Rules and Guidelines for Practitioners document emphasizes the use of starter infrastructure to maximize the probability of beavers staying at or near where they are released. Most beaver transplant projects will either already have some level of LTPBR-related structures associated with them, or construction of these structures will be required by the FWP biologist review team ahead of any beaver transplants. An exception will be made where beavers are being released into areas that have starter infrastructure in the form of abandoned beaver dams and lodges from previous beaver colonization, or areas with sufficient log jams, fallen trees, and other in-stream obstructions to act as starting infrastructure for beavers to build from.

COMMENT #23: CLIMATE CHANGE

One commenter, representing an organization, suggested that FWP should work with sister state agencies to "[e]xplicitly position beaver restoration as a nature-based climate resilience strategy within state adaptation and drought management frameworks." The commenter suggests that this could open up state and federal funding sources for beaver restoration work, including transplant projects. The commenter requests that FWP contribute to gathering empirical data on landscape-scale impacts of beaver restoration on ecological metrics and develop communications around those data to constituents and partners.

One commenter requested that FWP discuss how beavers and ecosystems will likely be influenced by global warming.

FWP RESPONSE:

This comment is outside the scope of the proposed action. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in Montana. FWP refers the commenter to Section X of the Draft EA, which discusses the impacts of beaver activity on climate change, which FWP believes is what the commenter was referring to when they used the term "global warming".

COMMENT #24: CROSS-JURISDICTIONAL COORDINATION

One commenter suggested that FWP maintain close coordination with agencies, organizations, and Tribal nations around transplant program protocols and data sharing so that lessons learned are transferrable across jurisdictional boundaries.

FWP RESPONSE:

FWP agrees with the commenter, and FWP has been and will continue to look for opportunities to engage with all interested parties to make sure data and lessons are shared amongst practitioners across agencies and jurisdictions. One of the primary ways FWP does this is through close involvement with the Montana Beaver Working Group, which brings together people from agencies, NGOs, Tribal nations, private lands, and user groups to maintain coordination across all parties that are active in the realms of beaver management and beaver-related restoration practices in Montana.

COMMENT #25: HOUSE BILL 95 (HB95)

One commenter suggested that the passage of HB95 restricted the taking of nuisance beavers and that the transplant program would therefore help address an increased need for intervention in beaver conflicts.

One commenter noted that the passage of HB95 and the proposed MBTP are complimentary in clarifying FWP's roles in beaver management and in expanding the breadth of tools landowners may have available to them to address human-beaver conflicts.

FWP RESPONSE:

FWP would like to clarify that HB95 did not restrict the taking of nuisance beavers, but rather expanded the breadth of situations where FWP can issue a damage permit for beavers that conflict with human infrastructure. Prior to the passage of HB95, situations where beaver damage permits could be issued were narrowly defined and focused solely on irrigation-related infrastructure. HB95 allowed for damage permits to be issued when beavers are threatening "developed structures," allowing FWP to issue damage permits for situations like flooded roads and creation of hazard trees. FWP does agree that HB95 and the MBTP can be complimentary, in that the entire suite of conflict management tools is now available to landowners. Additionally, HB95 may increase the number of people reaching out to FWP for beaver damage permits, which provides more opportunities for FWP wardens, biologists, and administrative staff to encourage the use of non-lethal methods or transplants before moving to lethal removal.

COMMENT #26: BENEFITS TO FISH

One commenter expressed that they would like to see beaver transplants occur on streams where they can benefit spawning habitat for fish by extending hydroperiods.

FWP RESPONSE:

FWP, through its regional teams that will be reviewing and approving/denying transplant project proposals, will be looking for opportunities where restoration of beaver-modified stream conditions can benefit fish and wildlife species in both the aquatic and terrestrial realms. Beavers can benefit fish spawning habitat in some situations and have a negative impact in others, depending on the fish species in question and the habitat in which that species and beavers are interacting. The same can be said of beaver impacts on the hydroperiod of surface water flow. This highlights one of the main motivations of the proposed MBTP. Beaver effects on stream systems can vary, and the local biologists know the fish populations and stream conditions best. The MBTP places decisions about beaver impacts in the hands of these local biologists.

COMMENT #27: INCLUSION OF WARDENS IN TRANSPLANT PROJECTS

One commenter suggested that a local game warden should be included in the internal review team when developing transplant projects as they are on the front lines of responding to human-beaver conflict calls and work with trappers, landowners, and land managers.

FWP RESPONSE:

During the development of the MBTP, FWP originally included the area game warden as one of the signatories on each beaver transplant project alongside the area game biologist, area fisheries biologist, and regional nongame wildlife biologist. However, in consultation with the enforcement division, it was decided that decisions around the transplant of fish and wildlife species fits squarely within the authority of the fisheries and wildlife divisions, and wardens should not be burdened with additional work evaluating and deciding on beaver transplant projects. However, FWP agrees with the commenter that FWP wardens are on the front lines of responding to human-beaver conflict calls and have strong relationships with landowners, trappers, and others that would be closely involved with beaver transplant projects. So, while the area game warden will not be directly involved with approving or denying beaver transplant project

proposals, FWP would be strongly encouraging communication with the local game warden with every beaver transplant project that is proposed. Coordination with area game wardens is second nature for most of FWP's fish and wildlife biologists, so FWP expects that this type of communication will be happening naturally. However, FWP would also promote it in our trainings on the MBTP.

COMMENT #28: DATABASE OF BEAVERS TRAPPED

One commenter suggested that it would be helpful to maintain a database of beavers trapped to help get more accurate measures of Montana's beaver populations.

FWP RESPONSE:

FWP agrees and would maintain a database of beavers trapped as part of transplant projects. The Beaver Transplant Authorization Packet requires all those conducting beaver transplant projects to track important information about every beaver they capture and release as part of a transplant project. However, this information will not be useful for getting an accurate measure of Montana's beaver populations, which would require a much broader and more scientifically rigorous effort.

COMMENT #29: TRADITIONAL ECOLOGICAL KNOWLEDGE

One commenter suggested that FWP should incorporate traditional worldviews into state land management policy. One commenter expressed that indigenous nations managed forests very well historically using fire, implying that learning from indigenous peoples about forest management could bring about conditions that will promote beaver occupancy and success. The commenter several resources on the subject.

FWP RESPONSE:

FWP and partners have been and will continue to work with Tribal nations on beaver management and beaver restoration in Montana. This has largely been done through involvement with the Montana Beaver Working Group, but FWP will continue to look for opportunities to learn more from our Tribal partners.

COMMENT #30: STATE CONSTITUTION

One commenter noted "Montana's Constitution guarantees its citizens "the right to a clean and healthful environment" (Mont. Const. art. II, § 3). They go on to state, "[w]ithout beavers, our watersheds, along with our constitutional rights, are more vulnerable to water loss, contamination, wildfires, drought, and erosion. Supporting the MBTP is therefore not only an ecological responsibility but also a fulfillment of our state's constitutional promise."

FWP RESPONSE:

Beaver activity can improve water quality, boost natural water storage, and enhance habitats for fish and wildlife, all things that can lead to a clean and healthful environment for Montanans.

COMMENT #31: BITTERROOT NATIONAL FOREST

One commenter noted "The Bitterroot National Forest's Forest Plan includes Forest-wide Management Standard, "[b]eaver will be introduced into suitable riparian habitat." (FP, p. II-20) This has not been done in spite of the stated mandate "will" be introduced. To my knowledge the BNF has not even mapped suitable habitat for introduction. The Montana Beaver Dam Census map of dams per km of stream shows Ravalli County/ BNF is very low. That area has many water quality limited streams. Thus, the need for beaver transplantation is very high."

FWP RESPONSE:

This comment is outside the scope of the proposed action. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in

Montana. Practitioners could use the MBTP to transplant beavers in the Bitterroot National Forest, but the proposed action does not guarantee any number or location of beaver transplant projects.

COMMENT #32: UNDERLYING CONDITIONS FOR TRANSPLANTS

One commenter reported beaver being trapped from his property without his permission and that the creek is drier each year due to irrigation practices, suggesting these situations warrant more careful consideration of beaver management.

FWP RESPONSE:

This comment is outside the scope of the proposed action. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in Montana.

COMMENT #33: NEGATIVE IMPACTS TO LANDOWNERS

One commenter did not believe that beavers needed to be relocated, noting human-beaver conflicts and negative habitat changes they have witnessed in their local area. They noted the beavers plugged culverts and reduced forage for livestock through extensive willow harvest and conversion to alder. They also noted that there have been impacts to fish and they no longer see as many fish moving up the creek as they used to. Another commenter reported damage to waterways caused by beavers and significant time, money, and effort their family has put into keeping beavers away over 50 years. They expressed that they are opposed to any transplants near the area where they live.

FWP RESPONSE:

FWP appreciates the commenters' willingness to share their personal experiences with beavers on their local streams. The proposed action develops a process to transplant beavers in Montana but does not guarantee any number of locations of projects. Every beaver transplant project will require outreach to potentially affected landowners, land managers, and lessees in and near the proposed Transplant Areas. This will provide landowners who may be opposed to beaver transplants an opportunity to voice their discontent with a proposed project near them. Substantial opposition to beaver transplants in an area will be one deciding factor as to whether a transplant project moves forward or not. Additionally, landowners who are experiencing negative impacts from beavers will now have another tool to respond to beaver conflicts. With the passage of HB95, the establishment of the BCRP, and the MBTP (should it be approved), landowners will have many options available to them to resolve human-beaver and fish-beaver conflicts. In some situations, landowners may be able to save time, money, and effort addressing beaver conflicts because a watershed group or FWP biologists may be willing to cost-share or provide labor to install non-lethal conflict management devices, or may be able to capture the problem beavers and transplant them elsewhere. This would prevent the landowner needing to hire a trapper or doing the trapping themselves.

COMMENT #34: DECISION MAKING PROCESS

One commenter expressed concern around who will be deciding when there are enough beavers in a Transplant Area and when some may need to be removed to manage the population. The commenter expressed concern around trapping restrictions and who will be deciding when those trapping closures are lifted, and was skeptical that the closures would be lifted at all.

FWP RESPONSE:

The MBTP Rules and Guidelines for Practitioners outline that those wishing to conduct beaver transplant projects must state how success will be measured for their project. These criteria will generally be a level of occupancy and colony persistence relative to suitable habitat conditions in the Transplant Area. For example, a Project Leader may assert that there are 5 km of suitable habitat in the Transplant Area based

on remote-sensing data and on-the-ground surveys, and that when 3 colonies are established within those 5 km and remain in place for 3 years, the project will be considered successful, and transplants will stop. The FWP biologist review team would then evaluate these measures of success and decide if they make sense for the Transplant Area. Project leaders will have to consider and share metrics of success that would indicate when a Transplant Area has sufficient beaver colonies for long-term population persistence, and those metrics will be evaluated by the FWP biologist review team. Project leaders also will have to use these metrics of success if they want to implement trapping restrictions in a Transplant Area, providing measurable criteria (e.g., level of occupancy and colony persistence) that would lead to a trapping restriction being eased or lifted. There will be no new permanent trapping closures in Montana as a result of the MBTP. However, this does not mean that permanent trapping closures will never be proposed in Montana. Any trapping restrictions proposed as part of transplant projects will require Fish and Wildlife Commission approval. Any proposed permanent trapping closures outside of the MBTP will require Fish and Wildlife Commission process, including a public comment period.

COMMENT #35: ANTI-TRAPPING SENTIMENT

One commenter recounted being involved in meetings around 7 years ago on the topic of beaver translocations, and that he had brought up the topic of eventually needing to lethally remove beavers to manage populations, and that "did not go over so well with this group."

FWP RESPONSE:

FWP, the BCRP, and the Montana Beaver Working Group have been consistent in their messaging that lethally removing beavers will always be a critical component of beaver management in Montana, and FWP will continue to promote that messaging into the future.

COMMENT #36: GEOGRAPHIC SCOPE OF THE MBTP

One commenter suggested that encouraging transplants to occur within drainages delineated by a Hydrologic Unit Code Level 8 watershed boundary may be limiting in large, heavily depopulated areas. They suggested that FWP add language to the Draft MBTP Rules and Guidelines for Practitioners to clarify that transplants can occur over larger areas when beaver populations are very low in a given drainage.

FWP RESPONSE:

The MBTP Rules and Guidelines for Practitioners document states, "[i]t is highly encouraged that any beaver captures and releases in Montana take place within the same watershed, as delineated by approximately a Level-8 Hydrologic Unit Code (HUC 8; Jones et al. 2022). This scale is meant to limit the potential spread of unwanted organisms. This HUC level also most closely matches the potential long-term dispersal distances of beavers in wild settings, which corresponds approximately to the size of major river drainages (Clinton et al. 2021, see review in Ritter 2018). Beavers may be transplanted outside their home HUC-8 watershed, but such transplants will require additional review from FWP fisheries staff, FWP's wildlife health program, and FWP's AIS program." Beaver transplants may be allowed over larger spatial scales but will require careful review by the FWP biologist review team, and potentially longer quarantine times for beavers if the project is approved.

COMMENT #37: UNDERLYING CONDITIONS

One commenter suggested that FWP should work together with public and private landowners and land managers to restore streams to conditions suitable for beaver occupancy.

FWP RESPONSE:

FWP and partners are engaged in this kind of work throughout the state, restoring streams, riparian areas, and floodplains to benefit fish, wildlife, and humans. Some of these projects are in areas of beavers' former

range, and many projects see beavers moving back into these areas once riparian conditions improve. The MBTP would allow restoration practitioners to potentially target successful restoration projects as transplant sites so that beavers can take over and perpetuate the maintenance and enhancement of restored stream conditions.

COMMENT #38: POLITICAL INFLUENCE

One commenter expressed concern that approval of the proposed MBTP will depend on political appointees beholden to wealthy donors.

FWP RESPONSE:

This comment is outside the scope of the proposed action. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in Montana. Approval of the MBTP will be made by the Fish and Wildlife Commission after their review of the EA, Decision Notice, and MBTP Rules and Guidelines for Practitioners document.

COMMENT #39: LENGTH AND COMPLEXITY OF DRAFT EA

Two different commenters expressed that the Draft EA and Supplemental Materials were too long and complicated to properly evaluate. One commenter said the documents contained a lot of "canned" information that is biased towards the good that can happen with beaver transplants. One commenter suggested the document could be cut in half by using tables and said that "verbose and difficult to read material is costly for everyone."

FWP RESPONSE:

FWP acknowledges that the materials provided on the MBTP were long and detailed. It is difficult to avoid when proposing a programmatic approach to transplanting an animal that is considered an ecosystem engineer, while also following MEPA guidelines. Some language is necessarily repeated.

COMMENT #40: UNKNOWNS

One commenter expressed that they think there are too many unknowns with the proposed MBTP, and that it does not seem worth the time and money.

FWP RESPONSE:

FWP appreciates this comment, and FWP understands that there are many unknowns when it comes to transplanting beavers. One of the primary motivating factors for the MBTP was to place decisions around when and where beavers are transplanted into the hands of local FWP biologists and their partners. These professionals know the stream systems and communities in their areas best, and therefore FWP can minimize the "unknowns" by involving the people that know the most. The MBTP does not devote any staff time or funding to beaver transplants outside the staff time developing the program and shepherding it through the MEPA and Fish and Wildlife Commission processes. The MBTP establishes a process whereby those that have the time and money available can use the program to conduct beaver transplant projects. The review process assures that time and money will not be wasted on projects with a low likelihood of success or projects with a high likelihood of causing human-beaver conflicts.

COMMENT #41: WORKING WITH TRAPPERS AND WILDLIFE CONTROL OPERATORS

One commenter suggested that FWP should work with Montana trappers and wildlife control operators to conduct beaver live-trapping because of their expertise with beavers and to help buffer times when pelt prices are low.

FWP RESPONSE:

FWP and partners will certainly be reaching out to, and working with, experienced trappers and wildlife control operators when capturing and moving beavers is needed. The MBTP Rules and Guidelines for Practitioners state that only qualified individuals will be able to live-capture and move beavers in Montana. The Beaver Transplant Authorization Packet requires Project Leaders to identify who will be doing the trapping for their transplant project. This gives the FWP biologist review team a chance to make sure those people are qualified to capture and move beavers. FWP will be looking into avenues for compensating trappers for helping with live-capture efforts.

COMMENT #42: EFFECTS ON STATEWIDE BEAVER POPULATIONS

One commenter suggested that, if the MBTP is not approved by the Fish and Wildlife Commission, state beaver regulation and management would ultimately keep beaver populations at current levels.

FWP RESPONSE:

FWP disagrees with the commenter on their assertion that the MBTP is necessary to affect beaver populations in Montana. FWP and partners are working on many aspects of beaver restoration and management that can and do affect beaver populations. The MBTP is one tool when it comes to methods for restoring beavers to areas of their former range, bolstering existing populations, and addressing human-beaver conflicts. Other forms of beaver restoration, as outlined in Ritter et al. 2023, are largely more effective than beaver transplants at influencing beaver populations and are ongoing and increasing in areas throughout the state. These direct beaver restoration efforts are complimented by ongoing stream and floodplain restoration being done by FWP and partners throughout Montana that, while not necessarily having an explicit goal of beaver occupancy and/or expansion, often occurs in areas of beavers' historical range and often leads to beaver colonization and subsequent expansion. Direct beaver restoration efforts and indirect beaver restoration associated with stream and floodplain restoration projects in general are further complimented by efforts such as the BCRP, which seeks to help landowners live with beavers while mitigating their negative effects. Add to all this historically low beaver pelt prices and long-term declines in trapper participation in beaver trapping, and there are a myriad of projects, programs, policies, and trends that influence Montana's beaver populations. Most of these are likely resulting in an increase in the population of beavers in Montana despite an almost complete lack of beaver transplants in the state. Again, the MBTP is meant to add another tool for beaver management and restoration in Montana and is not meant to be the primary method for restoring beavers and addressing human-beaver conflicts.

COMMENT #43: FUNDING TO SUPPORT THE MBTP

One commenter, representing an organization, suggested that FWP should work with non-governmental organizations (NGOs) and other entities to acquire grants and other forms of funding and support to ease the burden on FWP funding and staff.

FWP RESPONSE:

FWP appreciates the commenters suggestion. FWP has been and will continue to work with NGOs on funding mechanisms that can complement funding that comes from FWP, whether directly or through staff time being devoted to the MBTP.

COMMENT #44: NEED FOR BEAVERS IN WESTERN MONTANA

One commenter suggested that western Montana may be more in need of beavers to address low beaver numbers, heavy forage, and lack of stable water levels.

FWP RESPONSE:

The MBTP Rules and Guidelines for Practitioners limit beaver transplants to perennial streams, which occur more frequently in the western part of the state. This is also where most beaver restoration efforts and

interest have been over the past few decades.

COMMENT #45: EFFECTS ON WATER TEMPERATURE

One commenter suggested that beaver ponds can be shallow and can therefore increase water temperatures to the detriment of fish populations in those streams. The commenter also suggested that these warm waters cause algae and bacteria to become a problem.

FWP RESPONSE:

The effects of beaver ponds on water temperature depends heavily on the underlying conditions where the beaver ponds are created. In some streams, beaver ponds can raise water temperatures as suggested. In other streams, beaver ponds can lower water temperatures. In other streams, beaver ponds do not raise or lower the water temperature generally, but instead moderate fluctuations in water temperature, preventing the water from becoming too warm or too cold for fish. What beaver activity will do in any given stream is impossible to predict at large spatial scales, but local fisheries biologists and their partners have the best information on likely impacts of beaver damming activity in any given stream in their area of responsibility. This highlights one of the strengths and main motivations for the MBTP, to have local biologists be on the front lines of evaluating and approving/denying beaver transplant project proposals. These local biologists can work with partners to best determine if beaver activity will impact fish populations, and their involvement on the internal review team means they will have influence over whether transplant projects will occur. Algae and bacteria are natural parts of stream systems and river-wetland corridors, though FWP does acknowledge that in some situations harmful algal blooms or excessive bacteria loads can be a problem for humans and wildlife.

COMMENT #46: EFFECTS ON WILDFIRES

One commenter suggested the assertion that beaver-modified habitats can help prevent wildfires may be overly optimistic, as high-severity wildfires and strong winds make it easier for fire to jump across riparian areas.

FWP RESPONSE:

FWP did not assert that beaver-modified habitat can help prevent wildfires, and the literature cited does not imply this either. Beaver-modified habitats can help provide reliable fire breaks in some situations. Beaver-modified habitats can also provide refugia for livestock and wildlife that may not be able to escape the fire. Fish and wildlife species that escape fires by using beaver habitats can then help recolonize the landscape after a fire burns through an area.

COMMENT #47: OUTREACH AND CONFLICTS IN TRANSPLANT AREAS

One commenter expressed that they believe moving beavers will just move a problem (i.e., a human-beaver, fish-beaver conflict) from one area to another.

One commenter strongly suggested that adjacent landowners in a transplant area should be notified and a consensus reached on their approval before a beaver transplant could move forward. The commenter inquired about the authority of landowners or supervisors/agents to approve or deny transplants in their area of interest.

FWP RESPONSE:

FWP appreciates the concern expressed by the commenters. Landowners and land managers whose properties have the potential to be affected by beaver activity that could be attributed to a transplant project will be contacted and given the opportunity to provide input on every beaver transplant project proposal. Neither FWP or its partners will be releasing beavers onto private or public lands without the

explicit permission of that landowner or land manager. However, FWP is not requiring that *all* potentially affected landowners or land managers (which will often include many that are on the periphery of the Transplant Area) to support a project for it to be approved.

We have put safeguards in the MBTP to minimize the risk of causing conflicts at the Transplant Area. This includes requiring contacting all landowners within a proposed Transplant Area, as well as landowners within two stream miles of a Transplant Area, to gauge their support or opposition to transplant projects. This distance increases to 6 km for landowners with water diversions that are downstream of the Transplant Area, per a change to the MBTP Rules and Guidelines for Practitioners. The FWP biologist review team will consider all of the input from affected landowners and decide if the level of opposition is great enough that the project should not be approved or should be approved contingent on money and staff time being available for direct, responsive beaver conflict resolution should conflicts arise with landowners who were opposed or otherwise nervous about the beaver transplant project. The Fish and Wildlife Commission will then review the Transplant Area Authorization Form, with the recommendations from the FWP biologist review team, and make the final decision on whether the Transplant Area is approved or not.

Additional MBTP requirements are to provide state-of-the-art mapping of potential conflict areas to project partners and FWP staff and to use of local FWP biologists to decide which projects are approved and if any additional safeguards are needed to minimize the chances of human-beaver conflicts developing. The MBTP can be an effective tool to address human-beaver and fish-beaver conflicts. FWP has been and will continue to work with trappers and programs like the BCRP to address conflicts wherever they arise.

COMMENT #48: FWP SUPERVISION OF TRANSPLANT PROJECTS

One commenter suggested that any Transplant Area must have reasonable proof or just cause for transplants and that the transplants must be supervised by FWP.

FWP RESPONSE:

The MBTP Rules and Guidelines for Practitioners assure that all transplant projects are supervised by an FWP biologist who acts as the Project Sponsor. The transplant application materials require applicants to outline the suitability of the Transplant Area in terms of beaver habitat and social acceptance. The applicant must also provide evidence that beavers are unlikely to colonize the area on their own at a level that is considered self-sustaining and that brings about desired restoration benefits (e.g., water storage, fish and wildlife habitat).

COMMENT #49: FURBEARER TRAPPING SEASONS

One commenter expressed that the beaver transplant process must not interfere with legal trapping seasons set by FWP.

FWP RESPONSE:

Those seeking to conduct a beaver transplant project can request a beaver trapping restriction in the drainage where the beaver transplants will take place. These trapping restrictions will never be permanent and will require the applicants to outline measurable metrics of project success that will lead to the trapping restriction being eased or lifted. Trapping restrictions must be approved by the Fish and Wildlife Commission. If they do not approve of a restriction, trappers may be asked to voluntarily stop beaver and otter trapping in a Transplant Area.

COMMENT #50: MANAGEMENT AUTHORITY

One commenter expressed concern that interest groups might use the MBTP to interfere with legal and lethal means of managing beaver populations.

FWP RESPONSE:
The MBTP does not allow for any outside interest groups to interfere with beaver management. Beaver management will continue to be the responsibility and legal authority of FWP.

COMMENT #51: COSTS ASSOCIATED WITH THE MBTP
One commenter inquired as to how the MBTP will be funded.

FWP RESPONSE:
The MBTP does not devote time or money from the state of Montana outside staff time devoted to developing the proposal and reviewing projects proposed in the future. However, FWP funding may be used when biologists in individual FWP regions propose or are closely involved with transplant projects. The MBTP will not create a financial burden on FWP that would be considered "cost prohibitive." In fact, the myriad economic benefits that beavers can provide (e.g., water storage, water quality improvements, outdoor recreation) will likely help offset costs to the state associated with administering the program and implementing transplant projects.

COMMENT #52: GEOGRAPHIC SCOPE OF THE MBTP
One commenter inquired about what lands in Montana will be eligible for beaver transplant projects.

FWP RESPONSE:
All land in Montana is eligible to be a part of a beaver transplant project if they contain suitable habitat and a low probability of human-beaver or fish-beaver conflicts.

COMMENT #53: INVOLVEMENT OF OUTSIDE GROUPS
One commenter asked if the proposal being backed by animal rights groups.

FWP RESPONSE:
The MBTP is not being backed by animal rights groups, though some animal rights groups did comment in support of the proposed action. FWP believes the MBTP is necessary to fulfill the mission of FWP and the nongame wildlife program.

COMMENT #54: LEGISLATURE INVOLVEMENT
One commenter inquired about the involvement of the Montana legislature in making decisions about the MBTP.

FWP RESPONSE:
The state legislature will not vote on the MBTP. The Montana Fish and Wildlife Commission will vote to approve a set of pilot projects under MBTP in April 2026. If the pilot projects are approved by the Fish and Wildlife Commission, FWP biologists will make decisions about which future transplant project proposals are approved through the internal review process outlined in the MBTP Rules and Guidelines for Practitioners. Those proposals are then brought back to the Commission to decide which Transplant Areas receive final approval to move forward.

COMMENT #55: PAST ACTIONS RELATED TO MEPA
One commenter suggested that it was incorrect for FWP to state that historical actions regarding beaver transplants in Montana complied with MEPA, citing that many beaver transplants occurred prior to MEPA being established in 1971. The commenter provided a MT Fish and Game Commission Bulletin Biennial Report covering 1940-1942 that talks about beaver transplants being conducted in the state.

FWP RESPONSE:
FWP appreciates this correction, and this was an oversight on our part. FWP was referring to actions that occurred since the adoption of MEPA, but did not explicitly state that in the Draft EA.

COMMENT #56: WATER STORAGE COMMUNICATIONS
One commenter suggested that FWP needs to focus on and keep communicating about the water storage benefits of beaver activity, and that FWP and its partners need to collect data to show the effects of beaver restoration on stream flows.

FWP RESPONSE:
FWP and its partners have been and will continue to communicate the benefits of beavers for natural water storage on the landscape as one of the primary benefits of beaver restoration projects. FWP will work with universities and other researchers to collect data on the environmental impacts of beavers to better communicate these benefits to constituents and decision makers.

COMMENT #57: EVALUATING POTENTIAL TRANSPLANT AREAS
One commenter suggested that FWP needs to gather measurements of beaver food and building materials in drainages targeted for beaver transplants.

FWP RESPONSE
FWP and its partners will use remote sensing data and on-the-ground surveys to evaluate if sufficient food and building materials are available in proposed Transplant Areas to promote successful beaver colonization and colony persistence. These requirements are outlined in the MBTP Rules and Guidelines for Practitioners document.

COMMENT #58: CONIFER ENCROACHMENT
One commenter suggested that FWP needs to work closely with land managers to reduce conifers and increase woody riparian vegetation preferred by beavers. The commenter suggested this can help beavers occupy and succeed in more areas and also improve natural water storage and stream flows.

FWP RESPONSE:
FWP agrees in many areas conifer encroachment and infilling is having detrimental impacts on some habitats. Nevertheless, this comment is outside the scope of the proposed action. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in Montana.

COMMENT #59: NEXUS WITH U.S. FOREST SERVICE LANDS AND MANAGEMENT
One commenter expressed that land management agencies that could do important vegetation management to benefit beavers (e.g., USFS) have been hampered by "radical individuals" using lawsuits to stop desirable management. The commenter suggested that FWP should work closely with President Trump to get the USFS back into effective vegetation management. When this happens, the commenter suggested that USFS will be able to produce more food and building materials for beavers (e.g., aspen, shrubs).

FWP RESPONSE:
This comment is outside the scope of the proposed action. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in Montana.

COMMENT #60: WATER RIGHTS AND INSTREAM FLOWS

One commenter suggested that beaver transplants will likely work well in areas with active watershed councils, but questioned "how water rights and instream flows will play out on many other river drainages which are dewatered already." The commenter suggested that legislation may be needed to protect water stored in headwater streams and instream flows to improve conditions for fish in mid-late summer.

FWP RESPONSE:

The Montana Beaver Transplant Program, and projects associated with it, will not modify any existing legal water rights, as provided for by the Montana Department of Natural Resources. If beavers are restored to a drainage, the timing of water delivery to irrigators may shift, though FWP expects in most situations this shift will benefit irrigators by supplying water later into the dry season. However, there may also be unintended effects on water delivery that are not seen as beneficial to irrigators. Overall, considerations around water rights and instream flows related to a potential beaver transplant project will be part of the consideration around the approval or denial of that project. However, if a landowner or landowners in or near a Transplant Area experience a beaver-human conflict in the form of changes to water delivery, they can reach out to project partners or the Project Sponsor to seek to resolve the conflict. Conflict resolution may involve notching of beaver dams during certain time periods, development of alternative irrigation infrastructure (e.g., moving a point of diversion), development of alternative water sources (e.g., installing a solar well), or removal of the beavers via lethal trapping or live-capture and transplant to another Transplant Area. FWP will make every effort to help landowners resolve beaver-human conflicts in the Transplant Areas. Again, FWP emphasizes that instances of major conflicts would be rare because substantial concerns about conflicts should come to light as the Project Lead and their team contact potentially affected landowners during project development. Protocols for addressing issues with beaver-human conflicts and water rights are outlined in a new section of the MBTP Rules and Guideline for Practitioners (Appendix E).

COMMENT #61: LAND MANAGEMENT TO SUPPORT BEAVERS

One commenter suggested that, if we want beavers to be successful in streams, that FWP needs to be encouraging land managers to improve forage and construction materials (i.e., woody riparian vegetation) for beavers. The commenter suggested that this would come about from promoting the use of timber harvest and prescribed burning to reduce conifer coverage in and around target stream drainages. The commenter also suggested that aspen stands may need to be protected with fencing to deter over-browsing by livestock and big game.

FWP RESPONSE:

This comment is outside the scope of the proposed action. The proposed action is to develop a streamlined process by which beavers can be transplanted into suitable habitats in areas of their former range in Montana.

COMMENT #62: WATER STORAGE, AVAILABILITY, AND TIMING

One commenter suggested that FWP needs to list the acre-feet of water stored in beaver dams and adjacent soils from studies on the subject in other states and countries. The commenter suggests this is important to change the general dislike of beavers in the state and show their importance. The commenter expressed disagreement with a statement in the Draft EA around the timing of the delivery of water through systems modified by beaver activity. The commenter expressed that this is unlikely to be a problem and that FWP should ask other states about their experiences with this issue. The commenter suggested that FWP should compare current flow data in major rivers before and after substantial beaver restoration efforts during the dry season to demonstrate the effects of beaver activity on water availability of the landscape.

FWP RESPONSE:
FWP agrees that listing acre-feet of water stored in beaver dams can be an effective way to communicate the benefits of beaver restoration and the MBTP to constituents that may be skeptical of the need for beaver restoration on Montana's landscapes. Unfortunately, this can be a complicated metric to communicate because beaver dams can and are built in a wide range of circumstances that can affect water storage. A wide variety of researchers have shown the potential benefit of beaver activity on water storage through various means (e.g., water budgets, groundwater wells, stream flow measurements). This body of peer-reviewed, scientific research consistently demonstrates that beavers can improve natural water storage and mitigate drought by capturing precipitation and slowing its movement across the landscape.

The complexity of water movement through valley bottoms makes it difficult to provide concrete numbers as to the amount of water storage beaver dams can provide. This is compounded by the fact that beaver dams are not storing water in the same way as human-built reservoirs. Beaver dams do not fill basins that may be lined with mud or concrete, so the water table rise associated with beaver dams can push water through a range of surface and subsurface flow pathways that are upstream, adjacent to, and downstream of the dam structure itself. Beaver dams do not have headgates and spillways that allow for specific quantities of water to be held back, released, and measured. Beaver dams are often not a single structure in a single location, but rather a series of smaller structures spread latitudinally and longitudinally across floodplains. A single beaver colony may consist of dozens of dams of various sizes, shapes, and orientations.

All of these differences between human-built reservoirs and beaver activity point to the fact that beaver activity slows water rather than stores water. Beaver activity in headwater streams can slow the progression of snowmelt, extending water resources later into the dry seasons of summer and fall by allowing the water to spread out and soak into the landscape rather than running quickly down single-thread and often degraded stream channels. This means that the rate and timing of water flowing across the landscape can be changed by widespread beaver activity. Those who live and work on Montana's working lands will have an expectation for patterns of water delivery on their lands, and those patterns could shift in a noticeable way if beavers heavily manipulate valley-bottom conditions upstream. FWP is not saying that people will get less water because of beavers, just that the timing and rate of water delivery to downstream users is almost certainly going to change if widespread beaver habitat modifications occur. FWP will continue to keep up-to-date on the latest research on beavers and water storage, and will be sure to highlight those findings to key constituents and decision makers as beaver restoration, in all its forms, progresses in Montana. FWP will also continue to work with partners such as universities to monitor the ecological impacts of beaver activity, including effects on stream flow.

COMMENT #63: ECONOMIC IMPACTS
One commenter expressed that too often the government ignores economic impacts to humans, and that there are huge economic incentives to beaver restoration around maintaining optimal flows in rivers and avoiding fishing/recreational shutdowns. The commenter suggested that FWP needs to communicate about these economic impacts of beavers, and suggested that pages 98 and 99 of the Draft EA may be an appropriate place to do so.

FWP RESPONSE:
FWP agrees that we did not devote enough of the Draft EA to touting the potential economic benefits of beaver activity, which can be substantial as the commenter noted. FWP provides a short summary of these economic benefits in this response, and we updated pages 98 and 99 of the Draft EA to better outline the economic benefits of beavers and to provide citations for studies estimating those economic impacts.

Beaver-modified habitats have the potential to bolster natural water storage, improve water quality,

sequester carbon, mitigate damaging flooding, and provide enhanced recreational opportunities. All of these ecosystem services provided by beavers carry substantial economic benefits to agricultural producers, municipalities, recreationists, and many others in Montana. Beaver-based restoration is also increasing rapidly as a part of the overall ecological restoration economy, which is estimated at billions of dollars in economic activity annually in the U.S. The restoration economy has a major footprint in Montana given our wild landscapes and societal values placed on fishing, hunting, and wildlife viewing, all of which require healthy, intact habitats and the ecosystem services those habitats provide. Healthy streams and wetlands also provide habitat for many Species of Concern, which are the species in Montana that are the most at-risk of future listings under the ESA. Therefore, supporting the restoration of streams and wetlands by beavers in Montana can provide a cost-effective method to avoid costly economic and social impacts of ESA listings.

DECISION

With this DN, FWP hereby adopts the Final EA, with modifications, and approves the proposed action. Minor changes were made to the Draft EA and the Supplemental Materials (Montana Beaver Transplant Program Rules and Guidelines for Practitioners) based on public comment. Additional changes were made due to identified shortcomings in the application process that arose as pilot projects were being developed to propose to the Fish and Wildlife Commission.

Changes in response to public comment:

- On page 8 of the Draft EA, and pages 15, 17, and 18 of the MBTP Rules and Guidelines for Practitioners, FWP changed the Optional Request to Restrict Beaver Trapping to include otters in the trapping restrictions associated with transplant projects. This was done to avoid incidental trapping of beavers in Transplant Areas that could occur if trappers were targeting otters.
- On page 15 of the Draft EA, FWP changed "biannual" to "annual." This corrected an error on our part that was pointed out by a commenter.
- On page 22 of the Draft EA, the percentages of land ownership in Montana did not add to 100%. FWP reviewed the percentages and made corrections as needed.
- On pages 98 and 99 of the Draft EA, FWP included additional literature review and clarification on the economic impacts of beaver-modified habitats on the landscape.
- On pages 12 and 26 of the MBTP Rules and Guidelines for Practitioners, a guideline was added encouraging those proposing beaver transplant projects to reach out to additional stakeholders that may want to be involved or provide input on a beaver transplant project in their area of interest. This change was made in response to multiple public comments that suggested expanded outreach for transplant projects to make sure all interested groups and individuals are made aware of these projects.
- On pages 52-54 of the MBTP Rules and Guidelines for Practitioners, FWP added two additional, required site visits to monitor Transplant Areas. FWP made this change in response to multiple public comments expressing that the required monitoring periods were too short to provide useful data on project success. The two additional site visits must occur after July 15 in the second and third years after beaver transplant activities have ceased in each Transplant Area. FWP also included a guideline on page 55 recommending additional forms of monitoring that may be helpful in answering important questions about beaver transplants and subsequent habitat modifications.

Changes in response to issues identified during the development of pilot projects:

- On page 56 of the MBTP Rules and Guidelines for Practitioners, FWP removed the requirement that Project Leaders must reach out to local trapping organizations prior to proposing a beaver trapping restriction to support a transplant project. Instead, FWP will inform interested parties, which would

include trapping groups like the Montana Trappers Association, about trapping restriction requests that will be proposed to the Commission that year. This would allow interested parties to engage in public comment opportunities associated with the Commission process on the proposed trapping restrictions. This change was made to streamline the application process and to make sure all interested parties can have advanced notice of upcoming trapping restriction requests. This change results in several adjustments throughout the Draft EA and Supplemental Materials to clarify this new proposed process for making people aware of trapping restriction requests.

- Throughout the MBTP Rules and Guidelines for Practitioners, FWP eliminated the "Project Reviewer" component of the FWP biologist review team. FWP decided that the person in each region that would serve as the "Project Reviewer" would almost always be on the FWP biologist review team anyway, so having a separate Project Reviewer would only add unnecessary complexity and slow down the application process.
- The "Optional Request to Restrict Beaver Trapping Form" was moved from the Beaver Transplant Authorization Packet (BTAP) to the Transplant Area Authorization Form (TAAF). This was done because proposed trapping restrictions will almost always apply to the Transplant Area and have less to do with the information being captured in the BTAP. Also, having the "Optional Request to Restrict Beaver Trapping Form" in the TAAF allows for an early check-in with the Fish and Wildlife Commission on potential trapping restriction requests that will be coming before the Fish and Wildlife Commission at their annual meeting focused on furbearer regulations.
- The "Project Narrative" section of the BTAP was moved to the TAAF because these sections contain useful information for the Fish and Wildlife Commission to review when they consider whether to approve proposed Transplant Areas.
- The requirement for signatures from the FWP biologist review team were removed from the BTAP. The FWP biologist review teams involved with the TAAF would be considering additional requirements and conditions around the whole transplant project, including the actual capture and transplant of beavers, and so those concerns would be captured in the TAAF. The requirement for signatures on the BTAP would therefore be redundant. These signatures would also add confusion because certain steps in the BTAP occur at different times during the life of a transplant project, so the exact step when the FWP biologist review team would sign the BTAP would be unclear to the Project Leader and their team. Appropriate changes to the MBTP Rules and Guidelines for Practitioners document were made to clarify this change.
- FWP removed the requirement for a landowner signature on the forms related to outreach, both for landowners and land managers associated with Release Sites as well as landowners and land managers associated with capture sites. Some landowners did not feel comfortable with the idea of signing a form. FWP expects that the FWP biologist review team evaluating each proposed beaver transplant project would make sure contacts actually occurred without needing a formal signature.
- We added an Appendix to the MBTP Rules and Guidelines for Practitioners outlining the protocols for addressing beaver-human conflict situations that may arise as part of beaver transplant projects.

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2) will not have significant adverse impacts on the human environment associated with the proposed action and constitutes a reasonable and appropriate strategy to achieve identified objectives. Therefore, preparation of an EIS is unnecessary. FWP hereby adopts the Draft EA as final and approves the Alternative 2, the proposed action.

Sincerely,

April 10, 2026

Ken McDonald
Wildlife Division Administrator
Montana Fish, Wildlife & Parks