
CHRIS WRIGHT AND SHANE RENO - BIGHORN SHEEP WILDLIFE LAW ENFORCEMENT IN THE MISSOURI RIVER BREAKS IN CENTRAL MONTANA

Chris Wright, Montana Department of Fish, Wildlife and Parks, 2165 HWY 2E, Havre, MT 59501
Shane Reno, Montana Department of Fish, Wildlife and Parks, 2165 HWY 2E, Havre, MT 59501

Abstract: Relative to population dynamics, there has been little discussion with regard to illegal harvest of bighorn sheep. We do realize just how fragile isolated sheep populations are with regards to contact with humans, domestic sheep, predation, habitat variations, and variances in weather conditions. There is also the rarely mentioned factor of illegal harvesting of bighorn sheep for their trophy value. During a three year covert investigation, it was discovered that eleven bighorn sheep were illegally harvested in the Missouri River Breaks and the Little Rocky Mountains. Currently, with the existing sheep herd that falls within our districts of responsibility, there is an extensive graduate study being performed. During the course of the surveys and tracking the animals, several rams disappeared and could not be found in the study area or surrounding areas of possible migration. The theory, due to ease of accessibility, falls on the shoulders of illegal trophy harvest. To achieve proactive law enforcement goals in protecting bighorn sheep, several enforcement techniques are utilized. The most often utilized techniques are the use of routine and saturation patrols. Additional patrols may be used such as spotlight patrols in which an airplane is utilized in an attempt to locate spotlights from the air and direct ground teams to the activity. Also, the ability to develop informants becomes crucial to furthering enforcement efforts. More specialized techniques include the use of microchips placed in the rams, electronic surveillance and simulated wildlife.

Realizing just how fragile isolated sheep populations are with regards to contact with humans, domestic sheep, predation, habitat limitations and variances in weather conditions, it becomes imperative to discuss the rarely mentioned factor of illegal harvesting bighorn sheep for their trophy value. The intent of this paper lends credence to the impact of illegal harvest. First, we will discuss known incidents of illegal harvest and then what is believed from circumstantial evidence but not confirmed. We will complete the discussion by outlining and expanding on present enforcement techniques utilized by wardens in the Missouri River Breaks and Little Rocky Mountains of Montana.

During a three year investigation, it was discovered that eleven bighorn sheep were illegally harvested in the Missouri River Breaks and the Little Rocky Mountains. A point of interest with this particular case: a member of the covert team contacted one of the perpetrators about obtaining

bighorn sheep and indicated that he would pay good money for the acquisition. The perpetrator then set up a transaction and assured the covert officer that he could find and kill a sheep anytime. When the transaction date approached, the covert officer was informed by the perpetrator that not only did he have one ram for sale but two, and was hoping the covert officer could purchase both animals. The perpetrator was expecting money in the neighborhood of \$2,000 for both rams, and although this may seem low for a bighorn it is important to note that these rams were both half-curl or less rams.

With an offshoot of the same case, wardens acted on a tip that a bighorn sheep was poached on a gold mine in the Little Rockies, and the ram was transported by an employee of the mine using a company truck. When the shooter and employee of the mine were contacted they both denied any such occurrence and the shooter was emphatic about the location of kill being on the local reservation, for

which he had a valid bighorn sheep permit. Wardens contacted the mine administrator about the incident, and the administrator offered any aid the wardens would require to further the investigation. Additionally, the mine administrator assured the wardens that if suspicions were made fact he would support the wardens and terminate the employee for utilizing company equipment in the execution of a felony. Traveling to the mine the wardens obtained permission from the mine administrator to inspect the vehicle utilized for the transportation of the illegal ram. Wardens placed the vehicle in an enclosed shop and completed a cursory inspection which revealed animal hair, which was collected and sent the lab, and blood. Wardens cleaned the unrelated debris from the box of the pickup and then covered the vehicle box with a tarp to completely darken it. Utilizing criminal science technology, wardens obtained a nite-site kit which uses a certain combination of chemicals that when sprayed on blood will react with the hemoglobin in the blood, and will then luminesce. When wardens sprayed the box of the pickup the blood began to glow and pictures were taken. This is another example of the ease with which we lose sheep to illegal activities, and a great example of an enforcement tool we utilize to further our investigations.

Currently with the existing sheep herd that falls within our districts of responsibility there has been an extensive graduate study being performed. During the course of surveys and radiotracking sheep, several rams disappeared and could not be found in the study area or surrounding areas of possible migration. The theory, due to ease of accessibility, and failure to locate any of the rams, falls on the shoulders of illegal trophy harvest. Also, as these areas inhabited by bighorn sheep are also inhabited by other huntable species like deer, elk and lions the opportunity for illegal harvest often presents itself.

Through an informant we have discovered one particular method used by poachers. When out deer, elk or lion hunting, giving the poacher an acceptable excuse, sheep are poached and left in the field to completely decompose; the animal is

then later retrieved. In Montana it is illegal for any person to pick up and possess any sheep parts, but these people are able to take these sheep for plugging to other states that do allow individuals to pick up and possess sheep. We are unclear about the number of sheep we lose each year to this method, but it is not uncommon.

Other losses of sheep have been contributed to individuals coming off the Fort Belknap Indian Reservation and illegally harvesting sheep. An important note is the reservation sheep herd has received tremendous hunting pressure, and sheep numbers have been reduced such that rams have not been able to live long enough to reach mature trophy status. The reservation, prior to 1998, auctioned one bighorn sheep license each year. As a non-tribal member, any person who hunts on the reservation must first purchase a hunting license for the desired animal, and then must obtain a guide for the hunt. We had gained information that the hunt for the auctioned license was to be conducted off the reservation. Through covert surveillance we were able to keep tabs on the guide and hunter; nearly the entire hunt was conducted outside the reservation boundaries. Here again, hunting during a time when a season for other huntable species is occurring gives people cause to be in prime, trophy ram habitat. In this particular case a sheep was not harvested.

Other losses of sheep are due to activities of tribal members who have legally purchased a bighorn sheep permit for the reservation. Their method of operation will be to purposely hunt off the reservation, as there are not any trophy class rams within reservation boundaries. When an animal has been poached the gun and run method begins. The animal is shot and loaded into the pickup, and a run for the reservation line is made. The animal is not field dressed until the poachers have reached a location on the reservation where it would be possible to harvest a bighorn. It is important to note that within the Fort Belknap and Rocky Boy Reservations, state of Montana game wardens do not have legal jurisdiction to investigate enrolled reservation members within the confines of reservation boundaries. If poachers are caught in the

act, the defense of aboriginal hunting rights becomes the excuse for them to hunt off the reservation with only reservation sanctioned licenses, and in some cases without any licenses, and not the required state licenses. An example occurred in the early 1990's in which a member of the Rocky Boy Reservation poached a sheep off the reservation and when caught, the defense of aboriginal hunting rights was used. This case was eventually taken to the Montana Supreme Court where the court ruled that aboriginal hunting rights are not viable and if an enrolled reservation members wishes to hunt outside reservation boundaries, they must obtain the correct state hunting and fishing licenses to do so.

To achieve proactive law enforcement goals in protecting bighorn sheep, several enforcement techniques are utilized. The most often utilized techniques are routine and saturation patrols. Routine patrol simply involves the day to day patrol exercised by each warden and is conducted in their area of responsibility, or assigned district. Although it is important to spend time in these sheep areas, the geographic vastness plays such a role it easily becomes a chess game trying to figure out your opponents next move. Saturation patrols are essentially identical to basic routine patrol, however, multiple wardens engage in patrolling a smaller area, which improves geographic coverage and enhances the opportunity of contact with both legal sheep hunters and possible illegal intent. During the few days preceding and following the opening day of the bighorn hunting season, several wardens will congregate in the main sheep areas and apply law enforcement practices.

Simulated wildlife, or the decoy, is another tool that may be utilized. We were able to obtain a bighorn ram decoy through donations from FNAWS, which allowed us to purchase the bighorn ram decoy and robotics. Generally the decoy is used during saturation patrols, but we may use the decoy as the need arises. Placement of the decoy depends on traffic and frequent visibility of sheep along the main traveled routes utilized by sheep hunters and other resource users. Also, placement of the decoy will depend on informant

news, which allows us to target specific areas and people. Additional patrols may be used, such as spotlight patrols, in which an airplane is utilized in an attempt to locate spotlights from the air and direct ground teams to the activity. Spotlight patrols may occur at random times or when there have been complaints for a specific area and time. Spotlight patrols are both costly and labor intensive, and we are not able to utilize this tool as often as we would like.

Additional tools relate to a need for developing informants, which becomes crucial to furthering enforcement efforts. The geographic vastness of the Missouri River Breaks and the Little Rocky Mountains makes it imperative to develop informants, as there are so few wardens and our coverage is limited at best. More specialized techniques are the use of microchips placed in rams, and electronic surveillance. Microchips are just that, a small microchip placed in a syringe from which can then be inserted under the skin of a ram. Later, a wand that detects the frequency of the microchip can be used to positively identify the possible illegal ram. An example of microchip technology occurred during the beginning stages of the earlier mentioned graduate study currently being performed in the Missouri River Breaks. At the inception of the graduate study it was important to mark, by ear tag and collaring, a specific number of sheep. A portion of those marked were smaller, non-trophy rams. These young rams had a microchip placed under the skin which will enable us, if the need arises, to properly identify that ram if the harvest technique and time of kill becomes suspect. Lastly, the use of electronic surveillance has benefits that allow us to document suspect vehicles in the area, providing us with date and times. Electronic surveillance involves the use of trail timers armed with motion detectors. When triggered, these devices either snap a still photo from a camera placed at a position to obtain full view pictures of the passing vehicle, more importantly the license plate number of the vehicle, or begin live video coverage using the same vantage points.

Although we are unclear about the exact numbers

of sheep that are lost each year to illegal harvest we believe we are headed in the right direction for improving our odds of cornering an age old market of illegal buying and selling of trophy bighorn sheep. It is important to remember all facets that affect the growth and development of a viable trophy population of bighorn sheep, and that illegal harvest may play a larger role than we believe. Through a concerted effort, we can hopefully continue the team-supported effort to effectively achieve management goals of this spectacular species of game animal.

QUESTIONS, ANSWERS AND COMMENTS - CHRIS WRIGHT / SHANE RENO PRESENTATION

RACHELLE HUDDLESTON-LORTON, NEW MEXICO: I was wondering if there are any legal issues in using a decoy in terms of entrapment?

CHRIS WRIGHT: In Montana that's been addressed through our legislature. We have a law that states that we can use these animals, and it's been determined not to be entrapment.

HERB MEYR, IDAHO: Do you have access to DNA techniques?

WRIGHT: We have access to the federal lab in Ashland, Oregon, and also to our state lab.

MEYR: That didn't work in this instance?

WRIGHT: No, it didn't. One sample wasn't large enough. The amount we got off the swabs wasn't enough. It wasn't like fresh blood that we could get a good sample from, and most of the hair we had was smashed and pretty un-recognizable. I think the lab in Ashland now has shut down part of their DNA matching. They can do some things. They can tell you the species. They can't match animal to animal and sex to sex. They have shut down that part. They're training their people and will eventually be back on track.

KEVIN HURLEY, WYOMING: I have a question about DNA. If you look at the "cross-pollination" we've done by transplanting sheep across the west, I wonder how much that confounds the forensic ability you have?

SHANE RENO: Concerning one of the sheep that was shot in the breaks, I tried to prove that it was taken on the breaks and not on the reservation. The way I tried to do that was through a soil sample in the hoof of the sheep that was taken off the reservation. There was a tiny little sliver of a certain type of soil on the reservation. It's all over the breaks as Bear Paw shale. The lab couldn't say for sure that it was not taken on the reservation. Like Chris said, there are only half curl rams on the reservation, and the rams we're losing are 180s and high 170s. They get shot when they're half-curl.