

F&W COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: February 12, 2015

Agenda Item: Repeal of ARM 12.9.206 McLean Game Preserve

Division: Wildlife

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 Minutes

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Background:

The 1,464 acre McLean Game Preserve (Pondera County), consisting entirely of private land and closed to all hunting, was established over 40 years ago to provide for upland game bird nesting habitat. Following the death of the original property owner, the land within the Preserve was purchased by two separate individuals. Since that time, much of the native rangeland has been converted to small grains production. The remainder is seasonally grazed and does not provide quality nesting habitat for upland game birds. One landowner desires to abandon the game preserve status and supports all hunting on his property within the Preserve. The other landowner does not support deer hunting on his property within the Preserve. Repealing the designation of the Preserve does not inhibit his choice to allow or not allow hunting on his portion of the preserve. Given the Preserve does not provide quality nesting habitat, precludes one landowner from allowing hunting, and repealing would not preclude the other landowner from allowing or not allowing hunting on his land, it is the opinion of the Department that the best course of action is repealing the designation of the Preserve. The Preserve was established through the ARM process. FW Commission approval is needed to repeal ARM 12.9.206 which established the McLean Game Preserve.

Public Involvement Process & Results

Notice of the proposed repeal of ARM 12.9.206 was published on December 11, 2014 and public comment remained open until January 9, 2015. News releases regarding the proposal notice were submitted and published in local newspapers and posted on the FWP website. Three comments were received, two in support and one opposed. One of the comments in support of repealing the designation of the Preserve supported allowing hunting within the Preserve. The other comment in support of the repeal felt the designation of the preserve status was unwarranted given low numbers of wildlife sightings and limited habitat. The comment received in opposition expressed concern about the potential loss of habitat due to repealing the designation of the game preserve.

Alternatives and Analysis:

If the Commission chooses not to repeal ARM 12.9.206, the designation of the game preserve will remain.

Agency Recommendation & Rationale:

FWP recommends the F&W Commission repeal ARM 12.9.206 as the McLean Game Preserve does not provide quality upland game bird nesting habitat, precludes one landowner from allowing hunting on his property within the preserve, and repealing would not preclude the other landowner from allowing or not allowing hunting on his property.

Proposed Motion:

I move the F&W Commission repeal ARM 12.9.206 McLean Game Preserve.