

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: November 10, 2011

Agenda Item: Change in Administrative Rules for raptor propagation

Division: Enforcement

Action Needed:

Approval of Proposed (Tentative) Rule **Approval of Final Rule/Action**
 Endorse Course of Action **None - information only**

Time Needed on Agenda for this Presentation: 15 minutes

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Background (Brief description of the issue, decision to be made, history, etc.):

Raptor propagators are licensed both by the USFWS and by the state of Montana. Currently, Montana has 15 licensed raptor propagators. Those individuals are authorized to breed captive raptors and to transfer and sell the captive bred offspring that are produced. The USFWS recently revised their regulations regarding raptor propagators and those regulations became effective June 22, 2011. Montana regulations must be at least as stringent as the new USFWS regulations. Rather than do a complete revision of the Montana administrative rules, the proposed new Montana rules, for the most part, defer to the new USFWS regulations. Some regulations specific to Montana are also included. As an example, Montana's current licensing period of 1 year and license cost of \$20 have been revised to a 5 year license with a fee of \$100. This revision coincides with the new federal regulations that provide for a 5 year licensing period. Annual reports to Montana of raptor production, transfer, sale, or death will continue to be required to maintain the Montana raptor propagator license.

Public Involvement Process & Results (Brief description of the type of public involvement and summary of what we heard from the public):

All raptor propagators have received a copy of the new federal regulations. Raptor propagators, falconers, and the general public will have an opportunity to comment on Montana's transition to the new federal regulations.

Alternatives and Analysis (Brief description of alternative solutions with analysis of the pros and cons of each):

Revise our administrative rules to coincide with the new federal regulations.

Agency Recommendation & Rationale (Brief description of our recommendation to the Commission and the reasons for it):

Recommendation is to defer in our administrative rules to the new federal regulations rather than completely revise our regulations. If we were to revise our rules to coincide with the federal regulations, then any future changes in the federal regulations would require that we go back into our administrative rules revision process and make the necessary changes.

Proposed Motion (Draft language the Commission could use to adopt the agency recommendation):

I move the commission propose the amendments, partial repeal, and new rule language of the administrative rules regarding raptor propagation.