

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.6.2205 regarding) PROPOSED AMENDMENT
noncontrolled species)

TO: All Concerned Persons

1. On January 14, 2010 at 6:00 p.m. the commission will hold a public hearing at the Fish, Wildlife and Parks Headquarter offices located at 1420 East 6th Avenue, Helena, Montana to consider the amendment of the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, please contact the commission no later than January 9, 2010, to advise us of the nature of the accommodation that you need. Please contact Jessica Fitzpatrick, Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; e-mail jfitzpatrick@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

12.6.2205 EXOTIC WILDLIFE: LIST OF NONCONTROLLED SPECIES

- (1) remains the same.
- (2) The following amphibians are classified as noncontrolled species:
 - (a) Hyperoliidae family; ~~and~~
 - (b) Leptodactylidae family;
 - (c) Eritrea clawed frog - *Xenopus clivii*; and
 - (d) Cameroon volcano frog - *Xenopus amieti*.
- (3) remains the same.
- (4) The following crustaceans are classified as noncontrolled species:
 - (a) Terrestrial hermit crabs - *Coenobita sp.*

AUTH: 87-5-704, 87-5-705, 87-5-712, MCA
IMP: 87-5-707, 87-5-708, 87-5-711, 87-5-712, MCA

4. The 2003 Legislature passed SB 442 granting the commission authority to adopt rules regarding the importation, possession, and sale of exotic wildlife through the operation of a "classification review committee" (committee). The intent of SB 442 was to protect Montana's native wildlife and plant species, livestock, horticultural, forestry, agricultural production, and human health and safety from the harmful effects of unregulated exotic animals.

The function of the committee created by SB 442 is to recommend classification of individual exotic animal species to the commission. The committee may recommend that a species be classified as noncontrolled, controlled, or

prohibited for importation, possession, and sale. If the commission approves the committee's recommendations, the commission begins administrative rulemaking to incorporate the recommendations into these classification lists: noncontrolled species, controlled species, and prohibited species.

The purpose of this rulemaking is to implement the recommendations of the committee and to increase the clarity of the existing rule through minor editing changes.

The committee recommended the addition of three species of exotic wildlife to the list of noncontrolled species. These additions made revisions to ARM 12.6.2205 necessary. After evaluating these species the committee found that they pose a minimal threat to Montana's native wildlife or plant species, livestock, horticultural, forestry, agricultural production, or human health and safety.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: FWP Exotics, Fisheries, P.O. Box 200701, Helena, MT 59620-0701, fax (406) 444-4952, or e-mail them to fwpexotics@mt.gov. Any comments must be received no later than January 21, 2010.

6. Eileen Ryce or another hearings officer appointed by the department has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife, and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Shane Colton

Shane Colton

Chairman

Fish, Wildlife and Parks Commission

/s/ Bill Schenk

Bill Schenk

Rule Reviewer

Department of Fish, Wildlife and Parks

Certified to the Secretary of State December 14, 2009