

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

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 12.6.2201, 12.6.2203, 12.6.2208,) ADOPTION
12.6.2210, and 12.6.2215 and the)
adoption of NEW RULE I regarding)
exotic species)

TO: All Concerned Persons

1. On July 29, 2010 the Fish, Wildlife and Parks Commission (commission) published MAR Notice No. 12-364 pertaining to the public hearing on the proposed amendment and adoption of the above-stated rules at page 1643 of the 2010 Montana Administrative Register, Issue Number 14.

2. On September 9, 2010 the commission published amended MAR Notice No. 12-364 and extension of comment period on page 1928 of the 2010 Montana Administrative Register, Issue Number 17.

3. The commission has amended ARM 12.6.2201, 12.6.2203, 12.6.2208, 12.6.2210, and 12.6.2215 and adopted New Rule I [ARM 12.6.2204] as proposed.

4. The commission has thoroughly considered the comments and testimony received. No comments were received for the proposed controlled classification of the Barbary Falcon and the proposed prohibited classification of the Hyaenidae family. Forty-seven comments were received on the proposed classification of coho salmon. A summary of the comments received and the commission's responses are as follows:

Comment 1: One person opposed the listing of coho salmon as controlled. This person stated that they preferred coho salmon be classified as a prohibited species because the importation of coho presents an unacceptable risk to the state's wild and hatchery stocks. They also stated that if coho salmon get classified as a controlled species, the rule should clarify that no live fish are to be moved into or out of the state or transferred between facilities without strict penalties.

Response 1: The commission adopted New Rule I [ARM 12.6.2204] prohibiting the transfer of live fish into or out of the facility in order to minimize the risk to Montana's wild and hatchery fish stocks.

Comment 2: One person supported restricting the importation of coho salmon to eggs. Limiting the importation of coho salmon to eggs only would be one of the most important control measures to minimize disease risks while still allowing the rearing of coho salmon in Montana.

Response 2: The commission appreciates the comment and agrees that disease risks are minimized by restricting the transportation of live fish into or out of the facility.

Comments 3: Ten people including a county commissioner, mayor, five officers and members of Hutterite colonies, local businesses, and individuals are in support of the classification of coho salmon as controlled stating that there is no significant impact to the environment and it will promote the local economy.

Response 3: The commission appreciates the interest in this rulemaking process.

Comments 4: Thirty-five people including three county commissioners, a district conservationist, Director of the Chamber of Commerce, eight officers and members of the Hutterite colonies, local businesses, and individuals are in general support of the fish farm operation stating that it will diversify and boost the agricultural-based economy.

Response 4: The commission appreciates and respects the comments submitted and has considered the communities' support of the coho salmon fish farming project when determining this final action.

/s/ Bob Ream
Bob Ream
Chairman
Fish, Wildlife and Parks Commission

/s/ Rebecca Jakes Dockter
Rebecca Jakes Dockter
Rule Reviewer
Department of Fish, Wildlife and Parks

Certified to the Secretary of State November 29, 2010