



Montana Fish, Wildlife & Parks

Wildlife Bureau
PO Box 200701
Helena MT 59620-0701
September 4, 2012

Dear Interested Person:

Montana Fish, Wildlife & Parks is requesting public comment on proposed Wildlife Management Areas Biennial Rules. These rules are proposed to be in effect from January 1, 2013 through December 31, 2014. The proposed rules are listed below:

PROPOSED 2013-2014 FWP COMMISSION RULES FOR PUBLIC USE OF MONTANA'S WILDLIFE MANAGEMENT AREAS

The following regulations shall govern the use of all lands and waters under the control, administration and jurisdiction of the Montana Department of Fish, Wildlife and Parks known as Wildlife Management Areas (WMAs) or Wildlife Habitat Protection Areas (WHPAs).

The Purpose of these rules is to protect wildlife habitat; wildlife presence on WMAs and public use of the WMAs; including but not limited to fishing, trapping and hunting opportunities. All other uses are secondary and must be in accord with the primary goals and objectives of the wildlife management areas.

RULE 1. WINTER CLOSURES.

1. Wildlife Management Areas, or portions of, which are specifically managed as big game winter range are closed to all public entry from DECEMBER 1 AT 11:59PM UNTIL MAY 15 AT NOON each year. Open dates may change from time to time due to weather or other unforeseen events.

EXCEPTIONS to Rule 1. Sec.1

- Mt. Jumbo WMA opens May 1 at NOON.
- Blackfoot-Clearwater WMA closes November 10 at 11:59 pm (only that portion within deer/elk hunting district 282)
- Calf Cr. WMA opens April 15 at NOON.
- Mt. Silcox WMA opens April 1 at NOON.
- Roundhorn WMA opens May 1 at NOON.
- Beckman WMA opens April 1 at NOON and closes Jan.1 at 11:59pm.
- Marias River WMA opens April 1 at NOON and closes Jan.14 at 11:59pm
- Mt.Haggin WMA: that portion of the WMA that occurs west of the continental divide stays open to non-motorized access.
- Mt. Haggin WMA: a portion of Mt. Haggin is open to cross-country snowmobile use from Dec.2 to May15. See Beaverhead-Deerlodge National Forest travel map for details.
- Swan Valley WMA: open to public use year-round.
- (History: Secs. 23-1-106, 87-1-303, 23-1-102MCA)

2. Wildlife Management Areas (WMAs) not managed specifically for big game winter range (such as waterfowl and wetlands) are open for public entry year-round unless subject to site restrictions which are posted on site.

EXCEPTIONS to Rule 1. Sec.2.

- North Shore WMA closed to all public use from Feb.28th at 11:59 pm to July 15th at NOON.

RULE 2. HUNTING & TRAPPING SEASONS.

1. Wildlife Management Areas are open to all FWP Commission established hunting seasons unless closed under Rule 1 or specifically closed or restricted as noted in Hunting Regulations. Closure or restriction notices shall be posted at entrance points and parking areas.
2. Wildlife Management Areas are open to trapping unless closed under Rule 1 or specifically closed or restricted as noted in Trapping Regulations under SPECIAL REGULATIONS. Trapping on WMAs will be allowed by written permission only. Permission to trap on WMAs may require special restrictions or regulations in addition to what is written in the SPECIAL REGULATIONS. Contact the area biologist, WMA manager or appropriate regional office. (History: Secs. 23-1-106, 87-1-303, Sec. 23-1-102 MCA).
3. FWP Commission authorizes the department to issue WMA specific restrictions.

RULE 3. GROUP USE.

1. Groups of 10 or more persons are required to obtain a Group Use Permit from the wildlife area (WMA) manager or regional office responsible for the WMA to be used; must follow group use instructions; shall be assessed user fees and shall be required to surrender a deposit to defray costs caused by their use of the WMA. (History: Secs. 23-1-106, 87-1-303, Sec. 23-1-102 MCA)
2. A group of 10 or more persons may be allowed to use a WMA if group activities and purpose do not conflict with objectives and management purposes of the WMA.
3. If group use is part of or for a commercial use, a commercial use permit must be obtained. See Rule 10.

RULE 4. VEHICLE USE.

1. Properly licensed vehicles allowed on all existing roads except roads posted as "closed". Snowmobiles allowed on groomed trails.

EXCEPTIONS to Rule 4. Sec. 1.

- Yellowstone WMA: vehicles, bicycles, snowmobiles, horses and pack animals are only allowed on roads designated as "open."
2. Off road travel with any motor/engine powered wheeled vehicle is prohibited.
 3. If an entire WMA is closed to vehicle use, this rule shall be posted on a sign at all access points to the WMA. (History: Secs. 23-1-106, 87-1-303, Sec. 23-1-102 MCA)

RULE 5. CAMPING.

1. Dispersed camping is allowed unless posted otherwise. Vehicles shall be no more than 50 yards from an open road.
2. Camping is limited to 16 days in any 30 day period. (History: Secs. 23-1-106, 87-1-303, Sec. 23-1-102 MCA)

EXCEPTIONS to Rule 5. Sec. 2

- Yellowstone WMA: no overnight stays.

- Region One: no camping on WMAs, which include Bighorn Viewing Site WMA; Buffalo Head Park WHPA; Bull Rive WMA; Flathead Lake WHPA; Flathead River WHPA; Big Spruce WHPA; Leisure Island WHPA; Pressentine WHPA; Horseshoe Lake WHPA; Kootenai Falls WMA; Kootenai West WMA; Kootenai Woods Ranch WMA; Lower Stillwater Lake WHPA; Mount Silcox WMA; Ninepipe WMA; North Swan Valley WMA; Pablo WMA; Ray Kuhns WMA; Roundhorn WMA; Swan Lake WHPA; Wild Drake Island WHPA.
- Region Seven: camping limited to 7 days within a 30 day period. Daily occupancy is required.

RULE 6. WATERCRAFT.

1. All wildlife management area waters are open to watercraft unless an exception is posted to close the area or restrict the size of watercraft, horsepower of engine or season of use. Closure or restriction notice shall be posted at entrance points and parking areas. (History: Secs. 23-1-106, 87-1-303, Sec. 23-1-102 MCA)

RULE 7. WEED FREE FEED.

1. Only pelletized feed or certified weed seed free hay, straw, or whole grains and cube products are authorized for use on wildlife management areas. Each bale or container of forage shall have attached a tag or label or be marked with authorized colored twine referencing the written certification. (History: Secs. 23-1-106, 87-1-303, Sec. 23-1-102, 80-7-901 MCA)

RULE 8. ANIMAL CONTROL.

1. Persons in possession of pets and domestic animals shall restrain them and keep them under control in a manner which does not cause or permit a nuisance or danger to persons, property or wildlife.

EXCEPTIONS TO RULE 8. SEC. 1.

- On the Kootenai Falls WMA all dogs must be physically restrained at all times by a leash held by the person responsible for the animal. This is necessary due to the presence of bighorn sheep.
 - North Shore WMA: Pets must remain on leash at all times except during upland and migratory bird hunting seasons. (History: Secs. 23-1-106, 87-1-303, Sec. 23-1-102 MCA).
 - Canyon Ferry WMA: Pets must remain on leash March 1 to June 30.
 - Ninepipe and Pablo WMAs: Pets must remain on leash April 1 to August 31.
2. All domesticated pack or riding stock, not in use, must be tethered or corralled.
 3. Animal owners shall be aware that activities such as trapping, hunting and fishing are occurring during legally authorized seasons on WMAs and shall be responsible for taking precautions.

RULE 9. DOG TRAINING.

1. Organized dog training, field trials and hunt tests are prohibited on all wildlife management areas except as authorized by regional wildlife manager. (History: 87-4-915 (6)(ii)MCA)

RULE 10. COMMERCIAL USE.

1. Commercial use is regulated by the FWP COMMERCIAL USE POLICY.

RULE 11. FIREWOOD.

1. Cutting standing trees and shrubs is prohibited, unless specifically authorized by FWP

- advertisement, sign posting or permits.
- 2. Downed wood for onsite use is permitted.
- 3. Gathering firewood for offsite use is prohibited, unless specifically authorized by FWP advertisement, sign posting or permits.

EXCEPTIONS to Rule 11. Sec. 3.

- Marshall Creek WMA: personal use firewood collection permits may be obtained by contacting R2 (Missoula) office.

RULE 12. FIRES.

- 1. Fires are allowed in portable camp stoves, fireplaces and fire rings, unless otherwise prohibited by emergency fire restrictions. History: Secs. 23-1-106, 87-1-303, Sec. 23-1-102 MCA)

EXCEPTIONS to Rule 12.

- Kootenai Falls WMA: no camp fires above high water mark.
- Ninepipe and Pablo WMAs: no open fire allowed.
- Yellowstone WMA: no open fire allowed.

RULE 13. WEAPONS.

- 1. Weapons discharge allowed for lawful hunting purposes only. Target shooting is limited to shooting ranges authorized by FWP.
- 2. Discharge of paint ball guns is prohibited.

RULE 14. FIREWORKS.

- 1. Discharge of fireworks is prohibited on all wildlife management areas.

RULE 15. SIGNS.

- 1. Unauthorized signs are prohibited. (MCA 45-6-101(5) and MCA 87-1-102(2)(e))

RULE 16. FOOD STORAGE.

Bear resistant food storage required on following WMAs per Food Storage Order (attached)

<p>R1 All WMAs</p>	<p>Fleecer Mountain Dome Mountain</p>
<p>R2 All WMAs</p>	<p>R4 Blackleaf Ear Mtn. Marias River Sun River</p>
<p>R3 Mount Haggin Bear Creek Wall Creek Blacktail Robb/Ledford Gallatin</p>	<p>R5 Silver Run Haymaker</p>

RULE 17. SAFETY ZONES.

- 1. Safety Zones (no shooting zones) designated for the protection of people and property are in force as posted.

RULE 18. ANIMAL CARCASSES.

1. Dumping of animal carcasses is prohibited. This does not include boned-out big game animals remains legally taken on site.

EXCEPTION to Rule 18.

1. For FWP bear management purposes, carcasses may be placed on WMAs by authorized FWP personnel and the area will be signed that animal carcasses are present.

RULE 19. HUNTING BLINDS, TREE STANDS, GOOSE PITS.

1. Hunting blinds, tree stands and goose pits left overnight does not guarantee exclusive use.
2. Hunting blinds, tree stands and goose pits must be removed at season closure.
3. Permanent blinds, tree stands and goose pits are prohibited.

RULE 20. REMOVAL OF NATURAL RESOURCES.

1. Removal of native plants, topsoil, gravel, rocks, minerals, petrified wood and cultural artifacts is prohibited.

RULE 21. SPECIES TRANSLOCATION.

1. Introduction of any plants or animals is prohibited unless authorized by FWP.

RULE 22. LITTERING.

1. Littering is prohibited. This includes the dumping of sewage wastes from trailers, campers, or portable toilets.

RULE 23. ANTLER COLLECTING.

1. Antler collecting is prohibited on all wildlife management areas when these areas are closed to public use. (MCA 87-1-102(2)(f))

RULE 24. SECONDARY RECREATIONAL ACTIVITIES.

1. Secondary recreational uses of wildlife management areas may be allowed by Regional Wildlife Manager if such use does not conflict with the primary purpose of the WMA.

FOOD STORAGE ORDER

IT IS REQUIRED THAT IN DESIGNATED FWP WILDLIFE MANAGEMENT AREAS:

1. **Human, pet and livestock food (except baled or cubed hay without additives), garbage, and all other attractants shall be stored in an approved bear resistant manner or container when camp is unattended. (see definition of attended below) or during nighttime hours.**
2. **Wildlife carcasses, birds, fish or other animal parts that are within ¼ mile of any camp or sleeping area shall be stored in an approved bear-resistant manner or container when unattended.**

If a wildlife carcass is within an attended camp during daytime hours it may be on the ground.

3. **Attractants (such as food leftovers or bacon grease) shall not be buried, discarded, or burned in an open campfire.**
 - A. Leftover food or food waste products may be placed in an appropriate, sealed container and packed out with garbage.
 - B. Leftover food or other attractants may be burned in a contained stove fire
 - C. Attractants may be placed into a suitable container (i.e. tin can) to prevent leaching into the ground and burned over an open campfire. Any remaining attractants unconsumed by burning shall be placed with other garbage and packed out.
4. **The responsible party for any dead pack animal or livestock shall report the death and location of any livestock to a FWP employee within 24 hours of discovery.**

In some very remote areas, it may not be possible to meet the 24-hour requirement. In these special cases, the responsible party shall report to a FWP employee the discovery of any dead livestock within 48 hours.

5. **Bear-resistant containers must meet the following criteria: a securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than 1/4 inch, that would allow a bear to gain entry by biting or pulling with its claws.**

Testing and approval programs are available through the US Forest Service. Other bear-resistant containers developed for personal use may be inspected for approval by the local FWP game warden or WMA Area Manager or their designated representative(s).

DEFINITIONS

1. **Attended:** At least one adult person (attendee) is physically present within 100 feet of, and can visually observe attractants at all times. Attended camp policy does not apply when campers are asleep or do not have visual contact with and physical control of the attractants. During nighttime hours, control is defined by having the attractant within arm's reach or secured in an agency approved container or manner.
2. **Attractant:** Any item potentially attracting and/or rewarding a bear. This shall include:
 - a. food leftovers (bones, scraps, grease)
 - b. garbage from humans
 - c. livestock foods (except baled or cubed hay without additives)
 - d. pet foods
 - e. wildlife carcasses
 - f. livestock carcasses
3. **Food:** Any nourishing substance, which includes human food or drink (canned, solid or liquid), livestock feed (except baled or cubed hay without additives), pet food, toothpaste, soap, birdseed, and hummingbird food.
4. **Attendee:** An adult (14 years of age or older) in control of attractants.
5. **Bear-resistant container:** A securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than one-quarter (1/4) inch, that would allow a bear to gain entry by biting or pulling with its claws.
6. **Bear-resistant manner** means the storage of any attractant or foods in one of the following ways:
 - a. Secured in a hard-sided camper, vehicle trunk, cab or trailer cab.
 - b. Secured in a hard-sided dwelling or storage building.
 - c. Suspended at least 10 feet up (from the bottom of the suspended item) and 4 feet out from any upright support, i.e. tree, pole.
 - d. Stored in an agency approved bear-resistant container.
 - e. Stored within an approved and operating electric fence. (see Definition #12 for details)
 - f. Stored in any combination of these methods.
 - g. Or stored by methods other than those described in Section #6, a-f, that shall be approved in writing by the FWP Regional Supervisor.
7. **Contained fire stove:** a metal stove that completely encloses the fire.
8. **Daytime:** 1/2-hour before sunrise until 1/2-hour after sunset.

9. **Nighttime:** 1/2-hour after sunset until 1/2-hour before sunrise.
10. **Livestock:** Cattle, sheep or a domesticated pack or riding animal, such as mule, horse, llama, or goat.
11. **Wildlife carcass:** The body, or any parts thereof, of any deceased wild animal, bird, or fish.
12. **Approved electric fence will meet, as a minimum:**
 - a. The fence will be set up as a “tight wire” fence. The wire will be tight and under tension, not loose or sagging.
 - b. Minimum fence height: 4 feet.
 - c. Minimum post height: 5 feet.
 - d. Maximum spacing between posts: 8 feet.
 - e. Conductors (wire): Minimum of 7 wires, with 6-10 inch spacing between wires. Bottom wire must be within 2 inches of the ground. All wire must be smooth metal fence wire of at least 16-gauge or poly wire, except the top wire, which may be poly tape of at least 6-strand stainless steel.
 - f. The system will be set up to operate both as a ground wire return and a grounded system. The 2 top wires will be hot, with all other wires alternating hot and ground. The minimum length ground rod is 2 feet.
 - g. Fence charger (minimum): (1) stored energy of 0.7 joules; (2) tested peak output of 5000 volts; (3) 40 shocks per minute. User must be able to test electrical output in the field.
 - h. The charger must be made inaccessible to disturbance from a bear. The charger may be stored within the interior of the fence or located a minimum of 10 feet above ground.
 - i. Minimum distance between fence and items enclosed by electric fence: 3 feet.

COMMENT PERIOD DEADLINES AND FINAL ADOPTION MEETINGS

The deadline for public comment on the proposed 2013 – 2014 Wildlife Management Areas Biennial Rules is 5:00 PM Monday, October 15, 2012. Final adoption on these items will be made at the November 8, 2012 FWP Commission meeting.

TO MAKE COMMENT

For further clarification, you may call the Wildlife Bureau office at 406-444-2612. To submit comments electronically, this letter with the imbedded links below can be found under “Opportunity for Public Comment” on the Hunting home page at the fwp.mt.gov website. Written comments can be sent to: FWP – Wildlife Bureau, Attn: Public Comment, POB 200701, Helena MT 59620-0701. **Please note different comment deadlines.**

Imbedded Links to Submit Public Comment

2013 – 2014 Wildlife Management Areas Biennial Rules – Proposed

(The deadline for public comment on this item is 5:00 PM Monday, October 15, 2012.)

<http://fwp.mt.gov/hunting/publicComments/wmaBiennialRules.html>