



# MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

**Meeting Date:** April 19, 2022

**Agenda Item:** Classification Review Committee's recommendation to initiate rule making on classifying caracal cats as a prohibited species.

**Action Needed:** Proposed

**Time Needed on Agenda for this Presentation:** 10 minutes

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## **Background:**

Any non-native wildlife species are considered "exotic wildlife" per MCA 87-5-702 and cannot be imported, possessed, or sold per MCA 87-5-705 unless allowed by law or commission rule. The Classification Review Committee (CRC) established in MCA 87-5-708 exists to analyze classification requests and generate recommendations for classification for the Fish and Wildlife Commission. There are three possible classifications: *non-controlled* species can be imported, possessed or sold without a permit; *controlled* species may be imported, possessed or sold only through a controlled species permit issued by the department; and *prohibited* species cannot be imported, possessed or sold.

On Jan. 6, 2021, the department received a petition to classify caracal cats. The petition stated that the petitioner wished to own a caracal cat as a pet but did not recommend a specific classification. Caracal cats have not been classified and meet the definition of "exotic wildlife" in MCA 87-5-702. On Feb. 26, 2021, the CRC met and reviewed the petition and voted to move forward with developing a classification recommendation to include developing a biological and public safety analysis. On Sept. 2, 2021, the CRC committee completed the classification decision tree and biological/public safety analysis. The CRC voted to recommend to the Fish and Wildlife Commission to classify caracal cats as prohibited.

The CRC's recommended classification is only a recommendation and the ultimate classification of caracal cats is up to the Fish and Wildlife Commission.

## **Public Involvement Process & Results:**

The public has not had a chance to comment on the classification of caracal cats. The public will have an opportunity to comment at this meeting. If the commission chooses to initiate rule making, the rule language will be filed with the Secretary of State and the public will have an opportunity to provide comment in writing and at a hearing pursuant to the Montana Administrative Procedure Act.

## **Alternatives & Analysis:**

The commission can choose to initiate rule making on the CRC's recommendation to classify caracal cats. The proposed rule language would be filed with the Secretary of State and the public can provide comment in writing or at a hearing pursuant to the Montana Administrative Procedure Act. The department will collect public comment on behalf of the commission and provide the comments to the commission. The commission will then be able to vote on a final classification at a later meeting date.

The commission can choose not to initiate rule making. In this case, caracal cats will remain as "exotic wildlife" and will be prohibited from being imported, possessed, or sold as a pet.

**Potential Motion:**

I move the Fish and Wildlife Commission initiate rule making on the Classification Review Committee's recommendation to classify caracal cats as a prohibited species.