

## **Introduction:**

At the December 2021 Fish and Wildlife Commission meeting, the department presented a proposal to eliminate the mandatory requirement that hunters personally present their harvested black bear for inspection. During public comment, the question was raised about the enforcement value of black bear check in.

## **Legal and regulations**

State law requires a black bear hunter to possess a valid black bear hunting license and to hunt during a commission approved black bear hunting season.

Commission rules prohibit black bear hunters from harvesting black bear cubs or harvesting a black bear with cubs present.

There is no statute, ARM Rule or regulation that prohibits harvesting a lactating female black bear. Lactation does not mean cubs were actually present when the bear was harvested, therefore wardens cannot issue citations on this basis alone.

Mandatory check in of bears is a commission rule and is not required by statute.

## **Law Enforcement Considerations**

Presenting a harvested black bear for tooth collection does create the opportunity for a warden to meet a hunter and look for potential violations. However, not all bears are checked in by trained law enforcement officers as biologists, front desk staff, technicians, fisheries staff, and other non-enforcement employees frequently check in bears. In 2021 wardens inspected 680 bears which represents approximately 33% of the total 2021 black bear harvest.

In the last five to ten years FWP enforcement has identified only a small number of violations as a direct result of bear check in. Most of those cases were not for actual hunting violations but rather the result of a hunter not meeting the deadline for checking in a harvested bear. Over the last 5 years, FWP recorded 53 lactating female bear harvests. This averages 10.6 lactating bears a year and slightly more than one half of one percent of the total black bear harvest. However, it is not a violation to harvest a lactating female and the 10.6 a year does not mean those bears had cubs present.

Wardens use a variety of different investigative tools, techniques, and technology to enforce hunting laws, rules and regulations, including those for black bears. Mandatory check in of black bear harvest contributes little value to that effort. Mandatory harvest reporting, which is required for many other species, has proven to be a more useful tool for enforcement than the physical check in.

The amount of time wardens spend checking in black bears takes away from more effective enforcement efforts.

**Conclusion:** Mandatory check in provides little enforcement value.