



Large Carnivore Fund

November 3, 2023

Re: Amendments to Administrative Rule of Montana (ARM) 12.9.1303 (Control Methods of the Gray Wolf Include Non Lethal and Lethal Means)

Meeting: 1:00 PM November 2, 2023 MTFW Commission Meeting

Good Morning Department of Fish, Wildlife and Parks, Legal Unit and The Wildlife Division Wolf ARM,

In the matter of the adoption of the amendment of ARM 12.9.1303 pertaining to control methods of the gray wolf, specifically “Any reference to Montana’s wolf management plan should be removed.”, we do not support or recommend removal of the specific and legal *Montana Gray Wolf Management Plan* title from ARM 12.9.1303.

Given the 12.9.1301 rule title, “[COMMITMENT TO PRESERVATION OF THE GRAY WOLF AS RESIDENT WILDLIFE IN NEED OF MANAGEMENT](#)”, can the department not find the time to update a timestamp on the ARM document for this species, and retain the specific and legal *Montana Gray Wolf Management Plan* title? Are the similar Elk documents not updated with relevant document dates per changes?

I. Two deletions were made, one without the appropriate public notice and documentation in official record and one with:

1. The later, noted as both deleted and added amendment:
  - a. From: [ARM Amendment August](#): (2) *The department may take control actions; pursuant to an interagency cooperative agreement, may authorize USDA Wildlife Services to undertake control actions; or pursuant to an interagency cooperative agreement, may authorize the Department of Livestock to undertake control actions that are consistent with this rule and the ~~Montana Gray Wolf Conservation and Management Plan~~ department’s most current wolf management plan. The department is responsible for any lethal control decision and for the status, conservation, and management of the gray wolf population as a state species in need of management, game animal, or a furbearer as guided by ~~the Montana Gray Wolf Management Plan~~ the department’s most current wolf management plan, administrative rules, and statutes.*

- b. To: [ARM Amendment Proposed](#): (2) *To undertake control actions that are consistent with this rule ~~and the Montana Gray Wolf Conservation and Management Plan~~, the department may...* (3) *The department is responsible for the status, conservation, and management of the gray wolf population as a state species in need of management, game animal, or a furbearer as guided by ~~the Montana Gray Wolf Management Plan~~, administrative rules, and statutes.*
- 2. The former, not with appropriate public notice and documentation in official record. Why was the removal of the statement in item (2) August ARM, “for any lethal control decision and” to item (3) September ARM not officially shown as a deleted change for the record to undergo due process?
  - a. From: [ARM Amendment August](#): (2) *...The department is responsible **for any lethal control decision and** for the status, conservation, and management of the gray wolf population as a state species in need of management*
  - b. To: [ARM Amendment Proposed](#): (3) *...The department is responsible **for the** status, conservation, and management of the gray wolf population as a state species in need of management, game animal, or a furbearer*
- 3. If the deletion is reverted, we recommend the Department amend it to “nonlethal and lethal”, in light of statement (4), *“The department shall take an incremental approach to lethal control.”*

II. The word “LEGAL” TO “LETHAL” was made between the versions and we do need to see this amendment proposal reflected in an official capacity.

From: [ARM Amendment August Document, “BEFORE THE FISH AND WILDLIFE COMMISSION OF THE STATE OF MONTANA”](#)

- i. “12.9.1303 CONTROL METHODS OF THE GRAY WOLF INCLUDE NONLETHAL AND **LEGAL** MEANS”

To: [ARM Amendment Proposed Document, “Montana Fish, Wildlife and Parks’ Recommendation to Initiate Montana Administrative Procedures Act Rulemaking on Administrative Rules of Montana to the Fish and Wildlife Commission”](#)

- ii. “12.9.1303 CONTROL METHODS OF THE GRAY WOLF INCLUDE NONLETHAL AND **LETHAL** MEANS”

Sincerely,  
 Helena Edelson, President and CEO  
 Large Carnivore Fund  
 Gardiner, MT, Region 3, WMU 313