

Montana Fish, Wildlife and Parks' Recommendation to Initiate Montana Administrative Procedures Act Rulemaking on Administrative Rules of Montana to the Fish and Wildlife Commission

To: All Concerned Persons.

Re.: Amendment of Administrative Rules of Montana 12.9.1303 – Control Methods of the Gray Wolf Include Nonlethal and Lethal Means.

The rules proposed to be amended provide as follows, new language underlined, deleted language interlined:

12.9.1303 CONTROL METHODS OF THE GRAY WOLF INCLUDE NONLETHAL AND LETHAL MEANS (1) These rules address when and how the department may carry out nonlethal and lethal control of wolves.

(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.

(3) Control of the gray wolf by an agency or an individual may include nonlethal and lethal actions. The department shall address wolf conflicts on a case-by-case basis, connecting response to the conflict in both time and location to direct nonlethal and lethal actions to a wolf or wolves with the highest likelihood of having injured or killed the livestock.

(4) The department shall take an incremental approach to lethal control.

(5) Killing or harassing a wolf not in conformance with these rules is subject to criminal penalties pursuant to 87-1-102, 87-1-125, 87-5-106, and 87-5-111, MCA, as applicable.

(6) This rule will be applied on the date the gray wolf in Montana is no longer subject to federal jurisdiction under the Endangered Species Act, 16 U.S.C. 1531, et seq., and the department and commission have sole jurisdiction over the management of the gray wolf in Montana.