

BEFORE THE FISH AND WILDLIFE COMMISSION
AND THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the repeal of ARM) NOTICE OF ADOPTION AND
12.9.101 Big Game Management) REPEAL
Policy)

TO: All Concerned Persons

1. On March 22, 2024, the Department of Fish, Wildlife and Parks (FWP) and the Fish and Wildlife Commission (commission) published MAR Notice No. 12-626 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rule at page 502 of the Montana Administrative Register, Issue Number 6.

2. On April 19, 2024, a public hearing was held on the proposed amendment and repeal of the above-stated rule, via Zoom. FWP and the commission received both written and oral testimony comments by December 4, 2023.

3. FWP and the commission have repealed ARM 12.9.901 as proposed in the adoption notice.

4. FWP and the commission have thoroughly considered the comments and testimony received. A summary of the comments received, and FWP's and the commission's responses are as follows:

COMMENT 1: I support the repeal of this policy. Thank you for the continued great work with Montana's big game animals.

RESPONSE 1: The Commission appreciates the public's participation in this process and has taken this comment into consideration.

COMMENT 2: I saw the notice of removing a couple of ARM from the management policies of the FWP Department. The article makes it appear that it is just clearing up procedures. But I convinced myself to dig a little deeper because it didn't give any details. No details on what was actually being removed or details on what was going to be added if anything. No details on how decisions would be made regarding big game management. I think that is very bad for management of our big game populations. You can't ask for comments and not give details on what you want comments on. Since I don't have anything that tells me what you are going to replace what we have, I tracked down what is being deleted. Ahh, now it is starting to make sense. Reading the first paragraph, I see " (a) to produce and maintain a maximum breeding stock for big game". Once I reached "(g) to encourage big game predator control chiefly on understocked ranges or on ranges where hunters are able to fully utilize the annual harvestable crop of animals", I realized that the department wants to remove this because they are no longer following the

Policy. They cannot maintain maximum breeding stock of big game when they are allowing more wolves in Region 1 than the USFWS said we could manage without impacting the ungulates in the entire state. That is based on their own numbers and I suspect that is not accurate for a couple of reasons. #1- At a Flathead Valley Community College class, Wendy Cole, Region 1 Wolf Specialist, made the comment that the wolves have reduced their areas from around 250 square miles to closer to 175 square miles because of conflicts with other wolves. #2 -The department has said for several years that they cannot count the number of elk in Region 1 because of the heavy timber but has made no adjustment to the number of wolves that they estimate in Region 1, which is based on the number of wolves that hunters see. I realize that the Department has taken the task of maintaining or increasing the wolf population to heart, but that has caused the ungulates to fall to the wayside. Part of the wonder of Montana is the rich diversity of game. We must never devote all our attention to one species to the detriment of the others. The ungulates in Regions 1 and 2 are suffering and will never rebound to the populations of the 80's and early 90's. I will fully acknowledge that part of the blame of the severe decline of the deer and elk populations came from the severe winter of 1996 and 1997. But they followed that with the introduction of wolves and they never allowed the elk and deer a chance.

RESPONSE 2: Elk management practices are reflected in FWP's elk management plan. The Commission has a statutory obligation to reduce the wolf population and has complied by increasing harvest opportunities.

COMMENT 3: I support FWP's elimination of the Big Game Management Policy as it is now obsolete. Thank you for the great work with the citizen notice and participation with the Big Game regulations process. Additionally, please consider raising the awareness of the Waterfowl regulations and season making processes.

RESPONSE 3: The Commission appreciates the public's participation in this process and has taken this comment into consideration.

COMMENT 4: Montana Wildlife Federation opposes repealing the big game arm rule. There are several elements of ARM 12.9.101 that are not covered by species specific management plans that we feel should remain in the ARM. That's all that I had.

RESPONSE 4: Without knowing which elements of ARM 12.9.101 the commentor would like to stay in rule, the Commission cannot substantively respond.

/s/ Kevin Rechkoff
Kevin Rechkoff
Rule Reviewer

/s/ Lesley Robinson
Lesley Robinson
Chair
Fish and Wildlife Commission

/s/ Dustin Temple
Dustin Temple
Director
Fish, Wildlife and Parks

Certified to the Secretary of State June 25, 2024.