MONTANA FISH AND WILDLIFE COMMISSION
FWP PROPOSAL & INFORMATION SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: December 10, 2026

Agenda Item: Citizen Administrative Rule Making Petition – Brazilian Smooth Snake, *Hydrodynastes Gigas*

Action Needed: Decision to approve or deny Rule making Petition to classify the Brazilian Smooth Snake as a non-controlled species.

Time Needed on Agenda for this Presentation: 15 minutes

Background: On August 1, 2025, the department received a citizen petition to classify the Brazilian Smooth Snake *(Hydrodynastes Gigas)* also known as the False Water Cobra, as a non-controlled species. The department completed an analysis of the petition and on October 16, 2026, the Classification Review Committee (CRC) met to review the petition. The CRC voted to classify the Brazilian Smooth Snake also known as the False Water Cobra as a noncontrolled species with limited required safety requirements.

Public Involvement Process & Results: The Classification Review Committee meeting held on October 16th, 2026, was open to the public. During the meeting the CRC took public comment on the petition. During the meeting the CRC received several comments.

Written public comment to the Commission will be accepted until November 11, 2026 through noon. The Commission will also solicit public comment at its December 10, 2026, meeting during consideration of this item.

Alternatives & Analysis: Under this provision of MAPA (§2-4-315, MCA), the Commission can either deny the petition or initiate a formal MAPA rulemaking process that would involve the solicitation of public comment and a hearing on the proposed rule, followed by subsequent Commission consideration of a draft adoption (or non-adoption) of the proposed rule. A Decision to deny the petition or initiate rulemaking must be made within 60 days after submission of the petition and must be in writing and based on record evidence.

Alternative A: Approve the citizen petition for rulemaking and initiate the MAPA rulemaking process for the proposed rule to classify the Brazilian Smooth Snake as a noncontrolled species.

Alternative B: Approve the citizen petition for rulemaking and initiate MAPA rule making to classify the Brazilian Smooth Snake as a Controlled species.

Alternative C: Approve the citizen petition for rulemaking and initiate MAPA rule making to classify the Brazilian smooth snake as a prohibited species.

Alternative D: Deny the citizen petition for MAPA rule making. The status quo would remain in place and the Brazilian Smooth Snake would remain unclassified and retain its current definition under MCA §87-5-702 as exotic wildlife which is prohibited from importation, possession, or sale.

Agency Recommendation & Rationale: The Commission has been given authority by the Legislature to adopt and enforce rules governing the classification of exotic wildlife and the Commission may after a recommendation by the Classification Review Committee, by rule add to the list of noncontrolled exotic wildlife provided in MCA §87-5-706. The department agrees with the Classification Review Committee's

recommendation to classify the Brazilian Smooth Snake as a non-controlled species as recommended by the CRC.

Proposed Motion A: Based on the Classification Review Committee's research and recommendation as presented to the Commission and the Commission's discussion, I move that Fish and Wildlife Commission initiate rulemaking to classify the Brazilian Smooth Snake, *(Hydrodynastes Gigas)* also known as the False Water Cobra as a noncontrolled species as recommended by the Classification Review Committee.

Proposed Motion B: Based on the Classification Review Committee's research and the Commission's discussion, I move that Fish and Wildlife Commission initiate rulemaking to classify the Brazilian Smooth Snake, *(Hydrodynastes Gigas)* also known as the False Water Cobra as a controlled species.

Proposed Motion C: Based on the Classification Review Committee's research and the Commission's discussion, I move that Fish and Wildlife Commission initiate rulemaking to classify the Brazilian Smooth Snake, *(Hydrodynastes Gigas)* also known as the False Water Cobra as a prohibited species.

Proposed Motion D: Based on the Classification Review Committee's research and the Commission's discussion, I move that Fish and Wildlife Commission deny the citizen's petition to initiate MAPA rule making to classify the Brazilian Smooth Snake, *(Hydrodynastes Gigas)* also known as the False Water Cobra.