Classification Review Committee (CRC)

Process

Why do we have a Classification Review Committee?

87-5-701. Purpose. The legislature finds that in order to protect Montana's native wildlife and plant species, livestock, horticultural, forestry, and agricultural production, and human health and safety, it is necessary to regulate the importation for introduction and the transplantation or introduction of wildlife in the state and to regulate the importation, transplantation, possession, and sale of exotic wildlife. Serious threats, known and unknown, from the introduction of wildlife and exotic wildlife into Montana necessitate the regulation of the importation for introduction and the transplantation or introduction of wildlife and regulation of the importation, transplantation, possession, and sale of exotic wildlife unless it can be shown that no harm will result from the importation, transplantation, possession, sale, or introduction. Any importation, transplantation, possession, sale, or introduction permitted must be conducted in a manner to ensure that wildlife or exotic wildlife can be controlled if harm arises from unforeseen effects.



North American Bull Frog – Classified as Prohibited in 2005

-Legislation passed in 2003 creating the current process

Definitions of Exotic Wildlife

87-5-702. Definitions. For purposes of this part, the following definitions apply:

1. "Controlled exotic wildlife" means species placed on the controlled exotic wildlife list under 87-5-707 that may be imported, possessed, or sold only pursuant to commission and department rules and an authorization permit provided for in 87-5-705 (2).
2. "Domestic animal" means an animal that, through long association with humans, has been bred to a degree that has resulted in genetic changes affecting color, temperament, conformation, or other attributes of the species to an extent that makes the animal unique and distinguishable from wild individuals of the species and that is readily controllable if accidentally released into the wild. The term includes livestock, as defined in 81-2-702, dogs, cats, rodents, Eurasian ferrets, and poultry.
3. "Exotic wildlife" means a wildlife species that is not native to Montana.
4. "Feral" means the appearance of an animal and any offspring that have escaped captivity and become wild.
5. "Importation" means the act of receiving, bringing or having brought, or shipping into the state for a person's temporary or permanent residence or domicile any wildlife from a location outside the state.

Definitions of Exotic Wildlife Continued…

6. "Introduction" means the release from captivity or attempt to release from captivity, intentional or otherwise, wildlife from outside the state into the wild within the state.
7. "Native wildlife" means a species or subspecies of wildlife that historically occurred in Montana and that has not been introduced by humans or has not migrated into Montana as a result of human activity.
8. "Noncontrolled exotic wildlife" means animal species traditionally sold or kept as pets and includes animals listed in **87-5-706** or animals that are added to the list in **87-5-706** by commission rule.
9. "Possession" means to own or have control over an animal for personal use or resale.
10. "Prohibited exotic wildlife" means animal species placed on the list provided in **87-5-704** (3) (a) that may not be imported, possessed, or sold.
11. "Transplantation" means the release of or attempt to release, intentional or otherwise, wildlife from one place within the state into another part of the state.
12. "Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal or the egg, sperm, embryo, or offspring of the wild animal. The term does not include domestic animals.

Rulemaking Authority

87-5-704. Rulemaking.

1) The commission may adopt rules to implement 87-5-701, 87-5-702, and 87-5-711 through 87-5-715. In implementing 87-5-713, the commission may adopt rules approving species of wildlife that may be introduced by the department. In implementing 87-5-715, the commission may adopt rules to authorize the control or extermination by the department of introduced wildlife species.

2) The department may adopt rules to implement 87-5-713 and 87-5-715. In implementing 87-5-713 and 87-5-715, the department may not adopt rules in the subject areas reserved to the commission in subsection (1).

3)

   a. The commission may adopt rules to implement 87-5-705 through 87-5-709 and 87-5-712 regarding the importation, possession, and sale of exotic wildlife, including adoption of a list of controlled exotic wildlife and a list of prohibited exotic wildlife. The commission may by rule add to the list of noncontrolled exotic wildlife provided in 87-5-706. The Department of Livestock may not issue import permits for exotic wildlife on a list of controlled exotic wildlife or prohibited exotic wildlife without authorization from the department.

   b. The commission may adopt rules regarding the operation of the CRC established in 87-5-708.

4) The department may adopt rules regarding issuance of the authorization permit provided for in 87-5-705 (2), including the establishment of a reasonable fee for the permit.

Regulation of Exotic Wildlife in Montana

87-5-705. Regulation of exotic wildlife.

1. A person may not import into the state, possess, or sell any exotic wildlife unless:
   a. the importation, possession, or sale of the exotic wildlife is allowed by law or commission rule; and
   b. the person has obtained authorization for importation from the Department of Livestock pursuant to Title 81, Chapter 2, Part 7.
2. The department may issue a permit for authorizing the possession or sale of controlled exotic wildlife and make the permit available to persons who wish to import, possess, or sell controlled exotic wildlife, subject to rules of the commission and the department. The department may charge a reasonable fee, as determined by department rule, for the issuance of the authorization permit.

Classification Review Committee

87-5-708. Classification Review Committee - composition, appointment, and duties.

1. The director shall appoint a CRC whose duty is to advise the commission regarding the importation, possession, and sale of exotic wildlife, including recommendations on animals to be placed on the noncontrolled, controlled, or prohibited exotic wildlife list.
2. The CRC is composed of at least one representative from:
    a. the department;
    b. the Department of Public Health and Human Services;
    c. the Department of Livestock;
    d. the Department of Agriculture;
    e. a business that breeds or exhibits exotic wildlife; and
    f. the general public who has an interest in fish or wildlife.
3. Members of the CRC are not entitled to compensation or travel expenses as provided in 2-15-122.

Administrative Rule for Determining Exotic Wildlife Classification

DETERMINING EXOTIC WILDLIFE CLASSIFICATION

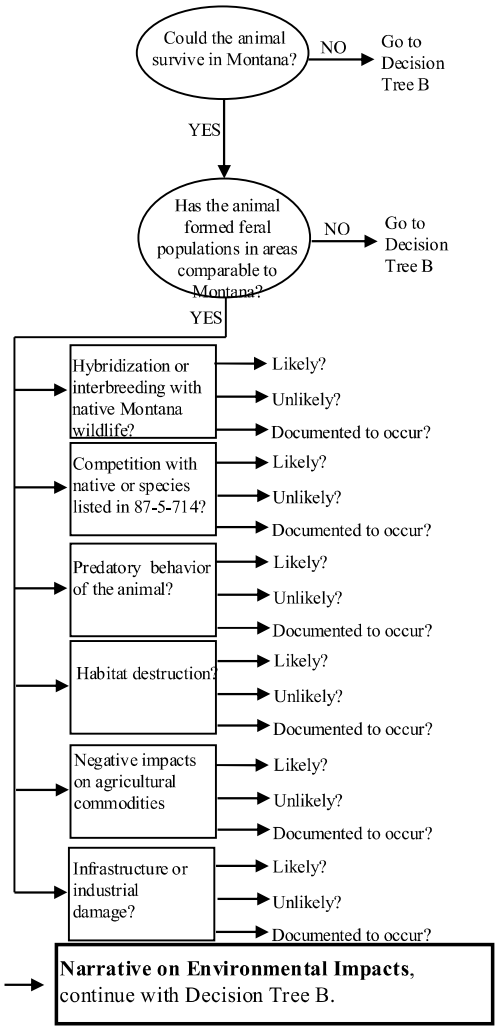
- The CRC described in 87-5-708 , MCA, shall consider petitions for species classification. Any individual, government agency, or interested group may petition the CRC to recommend classification of a species to the commission.

1. The CRC must make its recommendations based on the best available information and scientific knowledge of the following:
    a. the environmental impacts caused by the animal if it is released or escapes from captivity, including ecological and economic impacts;
    b. the risk the animal would pose to the health or safety of the public, wildlife, livestock, domestic animals, and agriculture; and
    c. the ability of a person to readily control and contain the animal in captivity.
2. Based on recommendations made by the CRC, the commission may classify exotic wildlife to a noncontrolled, controlled, or prohibited list. The commission shall adopt exotic wildlife classifications as administrative rules, amendments, or repeals according to the Montana Administrative Procedure Act.
3. Species of exotic wildlife may not be imported into Montana unless the following occur:
    a. the exotic wildlife species has been classified by the commission or by listing in state statutes;
    b. the department has issued the required permits for possession of exotic wildlife species classified as noncontrolled, controled, or prohibited; and
    c. the person has obtained authorization for importation from the Department of Livestock pursuant to Title 81, Chapter 2, Part7, MCA.

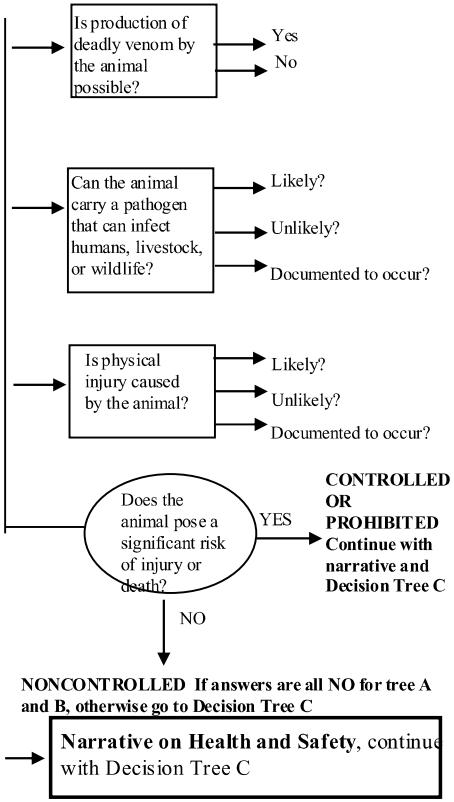
Classification Review Committee Process

- Agency or member of the public petitions the CRC to classify a species.
  - Petitions are sent to FWP.
  - FWP starts process of analyzing the petition based on statute/ARM.
- CRC meets in a public meeting to review the petition, supporting documents, and to vote on a recommendation.
  - CRC uses a decision tree (next slide) to arrive at the recommended classification.
- Once the committee has a recommendation, FWP takes the recommendation to the Fish and Widlife Commission and asks the commission to initiate MAPA rulemaking.

Decision Tree A: Environmental impacts caused by the animal if released or escapes from captivity, including ecological and economic impacts.



Decision Tree B: Does the exotic species pose a risk to health or safety of the public, wildlife or agriculture (including livestock)?



Decision Tree C: Can the animal be readily controlled?

1. Does the animal require control measures to prevent negative impacts from occurring?
   - YES: animal should be classified as CONTROLLED or PROHIBITED, continue to discern if control is possible/reasonable.
   - NO: classify species as UNCONTROLLED.
2. Can the animal be easily controlled using control measures that are readily available?
   - YES: define necessary control measures, go to 3.
   - NO: consider classifying as PROHIBITED.
3. Are specialized control measures (penning, caging) necessary to ensure the animal poses no threat?
   - YES: define control measures, go to 4.
   - NO: go to 4.
4. Are medical procedures necessary/available to ensure the animal posses no threat?
   - YES: define procedures, go to 4a.
   - NO: go to 5.

   4a. Are the procedures permanent?
   - YES: go to 5.
   - NO: consider classifying as PROHIBITED.
5. Is the regular monitoring of control measures necessary by enforcement officials?
   - YES: permit required, go to 6..
   - NO: no permit required, go to 6.
6. Is the expense incurred by the state to monitor necessary controls and respond reasonable?
   - YES: go to 7.
   - NO: consider classifying as PROHIBITED.
7. Is specialized training necessary for the proper and safe handling of the animal?
   - YES: define necessary training in permit, go to 8.
   - NO: go to 8.
8. Does the animal pose a threat to emergency or first responders?
   - YES: define necessary mitigation in permit, go to 9.
   - NO: go to 9.
9. If released or escaped can the animal be easily distinguished and/or recaptured?
   - YES: go to 10.
   - NO: consider classifying as PROHIBITED.
10. If the animal escapes or is released, is the cost of recovery that would be incurred by the state reasonable?
    - YES: define control measures and classify as CONTROLLED.
    - NO: consider classifying as PROHIBITED.

Narrative on Controls necessary, classify and define controls as necessary

Last revision 11/20/09

Fish and Wildlife Commission's Decision

- CRC creates recommendations only.
- Commission is the deciding body for species classification.
- Commission can choose to not initiate rulemaking on a classification recommendation and species would remain exotic wildlife per MCA 87-5-702.
- Commission can vote to initiate rulemaking to classify species as:
  - Noncontrolled
  - Controlled
  - Prohibited

Noncontrolled Exotic Wildlife

- May be bought, sold, and possessed without a permit.
- List of species is established on MCA 87-5-706 and ARM 12.6.2205.
- Noncontrolled wildlife are commonly found for sale at pet stores.



Sugar Glider – Classified as noncontrolled in 2005

Controlled Exotic Wildlife

- Can only be possessed pursuant to a controlled species permit.
- Permits will be conditioned to prevent resource damage or public safety issues.
- Sometimes permits are for commercial activities.



Pacific White Shrimp – Classified as Controlled in 2014

Prohibited Species

- Private possession not allowed.
- Can be possessed by licensed zoos, roadside menageries, educational institutions.
- Both nonclassified exotic widlife and prohibited species cannot be possessed. Prohibited have been analyzed and found to be a threat.



Silver Carp – Classified as Prohibited in 2005