

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.9.1303 pertaining to control) PROPOSED AMENDMENT
methods of the gray wolf include)
nonlethal and legal means)

TO: All Concerned Persons

1. On November 3, 2023, at 1:00 p.m., the Fish and Wildlife Commission (commission) will hold a telephonic public hearing via the ZOOM meeting platform to consider the proposed amendment of the above-stated rule. There will be no in-person hearing. Interested parties may access the remote conferencing in the following way:

(a) Dial by telephone: +1 206 337 9723
Meeting ID: 874 3443 5834
Passcode: 547674

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Montana Fish, Wildlife and Parks (FWP), no later than 5:00 p.m., on October 20, 2023, to advise us of the nature of the accommodation that you need. Please contact Christina Bell, Montana Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail cbell@mt.gov.

3. The rule proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

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

(2) To undertake control actions that are consistent with this rule ~~and the Montana Gray Wolf Conservation and Management Plan~~, the department may:

- (a) take control actions;
- (b) authorize USDA Wildlife Services pursuant to an interagency cooperative agreement;
- (c) authorize the Department of Livestock pursuant to an interagency cooperative agreement; or
- (d) issue permits to individuals pursuant to ARM 12.9.1305.

(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.

(4) Control of the gray wolf by an agency or an individual may include nonlethal and lethal actions. Specific control actions shall connect in both time and location to a wolf or wolves with the highest likelihood of having injured or killed the livestock.

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

(6) Killing or harassing a wolf not in conformance with these rules is subject to criminal penalties pursuant to 87-5-106, 87-5-111, 87-6-201, and 87-6-203, MCA, as applicable.

AUTH: 87-1-201, 87-1-301, 87-1-901, 87-5-105, 87-5-110, 87-5-131, MCA

IMP: 87-1-201, 87-1-301, 87-1-901, 87-5-102, 87-5-103, 87-5-104, 87-5-105, 87-5-108, 87-5-131, MCA

REASON: Any reference to Montana's wolf management plan should be removed. This will ensure that the plan cannot be referenced as a rule and will act as an advisory document.

4. Concerned persons may submit their data, views, or arguments orally at the telephonic hearing. Written data, views, or arguments may also be submitted to: Wildlife Division, ATTN: Wolf ARM, Montana Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail fwpwld@mt.gov, and must be received no later than November 6, 2023.

5. Christina Bell or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

6. FWP maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Written request may be mailed or delivered to: Montana Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be emailed to cbell@mt.gov.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the commission has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Alexander Scolavino
Alexander Scolavino
Rule Reviewer

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

Certified to the Secretary of State September 26, 2023.