

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I pertaining to two-way) PROPOSED ADOPTION
electronic communication while)
hunting)

TO: All Concerned Persons

1. On July 30, 2019, at 5:30 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Headquarters Building, 1420 East 6th Street, Helena Montana, to consider the proposed adoption of the above-stated rule.

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 the commission no later than 5:00 p.m. on July 19, 2019 to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov

3. The rule as proposed to be adopted provides as follows:

NEW RULE I TWO-WAY ELECTRONIC COMMUNICATION WHILE HUNTING (1) Two-way electronic communication includes, but is not limited to, the following:

- (a) radios (walkie-talkies/CB);
 - (b) cell phones;
 - (c) text messages; and
 - (d) the use of social media or other electronic platforms, applications, or programs.
- (2) The use of two-way electronic communication is prohibited:
- (a) while in the act of hunting game animals or wolves to aid in the taking or locating of live animals;
 - (b) while in the act of hunting mountain lions or bobcats with dogs, upon when the dogs are placed or physically released on tracks or a scent trail;
 - (c) to avoid game check stations or FWP enforcement personnel; and
 - (d) to facilitate unlawful hunting activity.
- (3) The use of two-way electronic communication for the use of safety or other legitimate purposes is exempt.

AUTH: 87-1-301, MCA
IMP: 87-1-502, 87-1-506, MCA

REASON: In order to promote ethical hunting and fair chase, the commission has previously adopted prohibitions on the use of two-way electronic communication while hunting in their annual hunting regulations. The commission is proposing to add clarifying language from what has previously been adopted in the hunting regulations to make it clear to both the public and department enforcement on when exactly the use of two-way communication is prohibited. The prohibition on two-way electronic communication is not something that is likely to change on a frequent basis and therefore does not need to be reconsidered and re-adopted every year in the hunting regulations, but rather, would be more appropriately adopted in administrative rule. The proposed language also clarifies when and how this rule applies to hunters.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Ron Howell, Department of Fish, Wildlife and Parks, 1 Airport Road, Glasgow, Montana, 59230; or e-mail rhowell@mt.gov, and must be received no later than August 2, 2019.

5. Kaedy Gangstad or another person appointed by the department has been designated to preside over and conduct the hearing.

6. The department 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 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. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

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 adoption of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

/s/ Richard Stuker
Richard Stuker
Acting Chair
Fish and Wildlife Commission

Certified to the Secretary of State June 25, 2019.