

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the repeal of ARM)
12.9.102 pertaining to the policy)
regarding the management of black)
bear)

NOTICE OF PUBLIC HEARING ON
PROPOSED REPEAL

TO: All Concerned Persons

1. On May 10, 2021, at 1:00 p.m., the Fish and Wildlife Commission (commission) will hold a telephonic public hearing via ZOOM meeting platform to consider the proposed repeal of the above-stated rule. Due to the public health crisis by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing in the following way:

(a) Dial by telephone: 1-646-558-8656
Meeting ID: 869 5491 9216
Password: 581297

The hearing will begin with a brief introduction by staff to explain the use of the telephonic platform. All participants will be muted except when it is their time to speak.

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 department no later than 5:00 p.m. on April 30, 2021, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail jesssnyder@mt.gov.

3. The department proposes to repeal the following rule:

12.9.102 BLACK BEAR POLICY

AUTH: 87-1-301, MCA
IMP: 87-1-201, 87-1-301, MCA

REASON: Repeal of this rule does not change the current management of black bears in any way nor the enforcement of rules for black bear harvest and field handling.

ARM 12.9.102 was adopted in 1972 and has not been updated since. However, statutes pertaining to black bear management have changed in the interim and supersede the language of this rule. Specifically, while this rule states that black bears are trophy animals and that only the head and hide need to be removed from the field, black bears are presently classified as game animals pursuant to 87-

6-101, MCA, and edible portions of bear meat may not be wasted. In addition, the commission's management of black bears and the department's processes regarding bear conflict management have evolved since this rule was passed in 1972. The rule is outdated and contradicts statute and current management practices.

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, Department of 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 May 14, 2021.

5. Jessica Snyder or another hearing officer 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 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. 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 emailed to jesssnyder@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 repeal of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

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

Certified to the Secretary of State April 6, 2021.