

BEFORE THE FISH AND WILDLIFE COMMISSION
AND THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I pertaining to a Resident) PROPOSED ADOPTION
Super-Tag Hunting License)

TO: All Concerned Persons

1. On August 2, 2024, at 10:00 a.m., the Fish and Wildlife Commission (commission) and the Department of Fish, Wildlife and Parks (FWP) will hold a public hearing via the ZOOM meeting platform to consider the proposed adoption of the above-stated rule. There will be no in-person hearing. Interested parties may access the telephonic public hearing by:

Dial by telephone: +1-646-558-8656
Meeting ID: 857 0202 3415
Passcode: 142082

2. The commission and FWP will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative format of this notice. If you require an accommodation, contact FWP no later than 5:00 p.m., on July 19, 2024, to advise us of the nature of the accommodation that you need. Please contact Crissy Bell, Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59620-0701; telephone (406) 594-8071; or e-mail cbell@mt.gov.

3. Statement of Reasonable Necessity. This new rule is being proposed to implement HB 456 as passed by the 2023 Legislature. The legislation establishes a lottery for the issuance of one "Super-Tag" license each license year for one of the following: Shiras moose, mountain sheep, or mountain goat. A resident who purchases a general deer or general elk license will be awarded one free chance in the lottery and may also still participate in the separate "Super-Tag" lottery under 87-1-271, MCA. Additionally, any resident who receives a license through the lottery is not subject to the seven-year restriction contained in 87-2-702(4), MCA.

HB 456 directs that the commission establish rules regarding the conduct of the lottery authorized by HB 456, the use of licenses issued through that lottery, and the rotation between the three species each year. It is necessary for the commission to establish this rule to comply with that statutory directive.

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

NEW RULE I (ARM 12.3.623) RESIDENT SUPER-TAG HUNTING LICENSE

(1) Each resident purchasing a deer or elk general license between March 1 and June 30 shall be given a single entry into a random drawing for a Shiras moose,

mountain sheep, or mountain goat super-tag, as designated by the Fish and Wildlife Commission. The department will recommend to the Fish and Wildlife Commission the species to be selected for the resident super-tag for each license year.

(2) The department will conduct a drawing to select the resident super-tag winner.

(3) A person must be a resident, as defined in 87-2-102, MCA, and must be legally eligible to be licensed for a super-tag species to receive a resident super-tag.

(4) The resident super-tag is valid for the taking of one animal of the species for which it was issued and is valid only for the current license year. A resident super-tag may be issued in any legally described hunting district with an established season for that species. The person using the resident super-tag may use it only during the hunting district's established season and is subject to all hunting regulations, including special weapons regulations, that apply to a hunting district. However, a resident super-tag is not subject to an established quota in a hunting district.

(5) A participant in the resident super-tag lottery may also apply for moose, sheep, and goat licenses under 87-2-701, MCA, and ARM 12.3.620 and participate in the super-tag lottery established in 87-1-271, MCA and ARM 12.3.622. In the event that a person is drawn for a moose, sheep, or goat license and a resident super-tag for that species in a single license year, the person must surrender that license to the department before receiving the resident super-tag. The department will refund the license fee paid by the winner of the resident super-tag. The person winning the resident super-tag shall retain any accumulated bonus points for that species.

(6) The resident super-tag is a nontransferable license. However, the successful resident super-tag holder may, prior to August 1, request to return the license and that license may be re-issued to the next entry-holder in the sequence of the original drawing.

AUTH: 87-1-275, 87-1-301, MCA

IMP: 87-1-275, MCA

REASON: This rule is being proposed for adoption to implement the framework for the resident super-tag license for either moose, sheep or goat for all residents purchasing a general deer or elk license as established by HB 456.

5. Concerned persons may submit their data, views, or arguments orally at the telephonic hearing. Written data, views, or arguments may also be submitted to: Emily Cooper, Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; or email Emily.Cooper@mt.gov, and must be received no later than 5:00 p.m., August 2, 2024.

6. Jeff Hindoien and/or another hearing officer appointed by FWP has been designated to preside over and conduct the hearing.

7. FWP maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the commission. Persons who wish to have their

name added to the list shall make a written request that includes the name and mailing or email address of the person to receive the notice. Such 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 <https://public.govdelivery.com/accounts/MTFWP/subscriber/new>.

8. The bill sponsor contact requirements of 2-4-302, MCA apply and have been fulfilled. Representative Brandon Ler was notified by email on April 24, 2024, of the commission's intention to proceed with the proposed rule adoption.

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

/s/ Jeffrey M. Hindoien
Jeffrey M. Hindoien
Rule Reviewer

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

/s/ Melissa Watson
Melissa Watson
Chief of Staff
Fish, Wildlife and Parks

Certified to the Secretary of State June 25, 2024.