

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

In the matter of the repeal of ARM) NOTICE OF REPEAL
12.9.101 Big Game Management)
Policy)

TO: All Concerned Persons

1. On March 22, 2024, the Department of Fish, Wildlife and Parks (FWP) and the Fish and Wildlife Commission (commission) published MAR Notice No. 12-626 pertaining to the public hearing on the proposed repeal of the above-stated rule at page 502 of the 2024 Montana Administrative Register, Issue Number 6.

2. On April 19, 2024, a public hearing was held on the proposed repeal of the above-stated rule, via Zoom. FWP and the commission received both written and oral testimony comments by April 22, 2024.

3. FWP and the commission have repealed ARM 12.9.101 as proposed.

4. FWP and the commission have thoroughly considered the comments and testimony received. A summary of the comments received, and FWP's and the commission's responses are as follows:

COMMENT 1: A commenter supported the repeal of this policy and thanked the commission for the continued great work with Montana's big game animals.

RESPONSE 1: The commission appreciates the public's participation in this process and has taken this comment into consideration.

COMMENT 2: A commenter expressed confusion over why ARM 12.9.101 was proposed for repeal, and believes the intent of the repeal is to reconcile the rule's requirements to current management preferences and practices. The commenter asserted FWP wants to repeal the rule because it can no longer maintain a maximum breeding stock of big game animals due to high wolf populations. The commenter expressed concern over FWP's survey and data collection methods and lamented the decrease in ungulate populations in northwest Montana. The commenter believes this decrease is caused by FWP's prioritization of wolves.

RESPONSE 2: Elk management practices are reflected in FWP's elk management plan. The commission has a statutory obligation to reduce the wolf population and has complied by increasing harvest opportunities.

COMMENT 3: A commenter supports the elimination of the Big Game Management Policy as it is now obsolete. The commenter thanks the commission for the great work with the citizen notice and participation with the Big Game regulations process.

Additionally, the commenter would like the commission to consider raising the awareness of the waterfowl regulations and season making processes.

RESPONSE 3: The commission appreciates the public's participation in this process and has taken this comment into consideration.

COMMENT 4: The Montana Wildlife Federation (MWF) opposes the repeal of the big game rule. There are several elements of ARM 12.9.101 that are not covered by species specific management plans that MWF thinks should remain in the rule.

RESPONSE 4: Without knowing which elements of ARM 12.9.101 the commenter would like to stay in rule, the commission cannot substantively respond.

/s/ Kevin Rechhoff
Kevin Rechhoff
Rule Reviewer

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

/s/ Dustin Temple
Dustin Temple
Director
Fish, Wildlife and Parks

Certified to the Secretary of State June 25, 2024.