

July 14, 2024

TO: Environmental Quality Council
FROM: Alexis Sandru, Substitute Staff Attorney
RE: Administrative Rule Report – Issue 13

Dear EQC Members,

Hope you are all enjoying the summer. I will be the attorney filling in for Joe Carroll until he returns in September. Below you will find an administrative rules report that I've prepared for Issue 13 of the Montana Administrative Register (MAR), which was published on July 5, 2024. The Secretary of State publishes rulemaking twice a month in the MAR. The publication dates for the next couple of months are July 26, August 9, August 23, and September 6. You can expect to hear from me if the DEQ, FWP, or DNRC publishes rulemaking that falls within EQC's jurisdiction in any of the upcoming issues. I will send an email summarizing the rulemaking out to EQC as close as possible to the publication date. I'm always happy to talk MAPA and assist you in your rule review duties, so please don't hesitate to reach out if you need additional information, have questions, etc. I look forward to working with you over the next couple of months. Now, on to the report!

In Issue 13 of the Montana Administrative Register (dated July 5, 2024), the Fish, Wildlife and Parks published two proposal notices and one adoption notice, all of which are summarized below. Pdfs of the rulemaking are attached to this email.

PROPOSAL NOTICES

MAR Notice Number: 12-624 (proposed Issue 13, July 5, 2024)

Subject: Resident super-tag hunting license

Summary: The Fish and Wildlife Commission is proposing to adopt a new rule regarding the conduct of a lottery for a resident super tag license for moose, mountain sheep, or mountain goat. The notice notes that the proposed rulemaking implements HB 456 (2023) (codified as 87-1-275, MCA), which established the lottery and required the Commission to adopt rules for the conduct of the lottery, the use of licenses issued, and the rotation between the three species. The proposed rule provides that:

- each resident purchasing a deer or elk general license between March 1 and June 30 is given a single entry into the lottery;
- FWP will recommend to the Commission the specific species to be selected for the license year;
- individuals must be residents and legally eligible to be licensed for a super tag species;
- the super tag is valid only for the year in which it is issued, may be issued in any legally described hunting district with an established season for the species, and is subject to all hunting regulations, including special weapons regulations, but is not subject to an established quota in a hunting district;
- a lottery participant may also apply for a moose, sheep, or goat license, and if the person receives a moose, sheep, or goat license and is drawn for a super tag for the same species

in a single license year, the person must surrender the license before receiving the super tag and the license fee will be refunded; and

- the super tag is nontransferable. A super tag holder may, prior to August 1, return the super tag and the license will be re-issued to the next entry-holder in the original lottery.

Notes/Hearing: A public hearing is scheduled for August 2, 2024, at 10 a.m. via Zoom only. Written public comment is due by 5 p.m. on August 2, 2024.

MAR Notice Number: 12-631 (proposed Issue 13, July 5, 2024)

Subject: Retention of electronic tag confirmation number during transport

Summary: The FWP is proposing to adopt a new rule that would require any individual transporting an electronically tagged harvested animal to retain the confirmation number and present it at the request of an FWP employee. FWP notes that with the increase in electronic tagging, individuals are transporting animals harvested by another individual and do not possess information associating the harvested animal with the individual who electronically tagged it. The FWP notes that the proposed rule will ensure that FWP staff can identify the individual who harvested the animal and ensure the individual transporting the animal is doing so legally.

Notes/Hearing: A public hearing is scheduled for August 2, 2024, at 10 a.m. via Zoom only. Written public comment is due by 5 p.m. on August 5, 2024.

ADOPTION NOTICES

MAR Notice Number: 12-626 (proposed Issue 6, March 22, 2024; adopted Issue 13, July 5, 2024)

Subject: Repeal of big game management policy

Summary: The Fish and Wildlife Commission proposed to repeal ARM 12.9.101 pertaining to big game management policy. The Commission noted that the repeal was necessary because the rule, adopted in 1972, has become obsolete and no longer aligns with species-specific management goals.

Notes/Hearing: A public hearing was held on April 19, 2024. Written public comment was due on April 22, 2024.

Adoption Notice Notes: In the adoption notice, the Commission responded to four comments, two of which supported the rulemaking and two of which expressed concern with the rulemaking. The Commission repealed ARM 12.9.101 as proposed.

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