

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the repeal of ARM)	NOTICE OF PROPOSED REPEAL
12.6.301 pertaining to tagging)	
carcasses of game animals)	NO PUBLIC HEARING
)	CONTEMPLATED
)	

TO: All Concerned Persons

1. On September 6, 2019, the Fish and Wildlife Commission (commission) proposes to repeal 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 The rule as proposed to be repealed provides as follows:

12.6.301 TAGGING OF CARCASSES OF GAME ANIMALS

AUTH: 87-1-201, MCA
IMP: 87-2-509, MCA

REASON: The commission is proposing to repeal the rule as the penalty language of the rule is outdated and unnecessary. In addition, the requirement that tags on animals must be visible is not entirely clear as tags are often not immediately visible due to the tape used to affix the tags and the position of the animal. Further, the rule will not be applicable when the use of electronic tagging begins.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing 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. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Ron Howell at the above address no later than 5:00 p.m., August 2, 2019.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25 persons based on the number of people who hunt in Montana.

7. 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.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department 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/ Richard Stuker
Richard Stuker
Acting Chair
Fish and Wildlife Commission

Certified to the Secretary of State June 25, 2019.