



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: April 1, 2021

Agenda Item: Repeal of Administrative Rule 12.9.102 Black Bear Policy to Comply with Statute

Action Needed: Proposed

Time Needed on Agenda for this Presentation: 10 Minutes

Background: Administrative Rule (ARM) 12.9.102 was adopted in 1972 and defines black bear as a trophy animal consistent with statutes at the time. Since 1972, statutes pertaining to black bear management have changed and supersede the language of this administrative 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 MCA 87-6-101, 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 adopted. The rule is outdated and contradicts statute and current management practices.

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

Public Involvement Process and Results: If approved by the commission, the department will file a proposal notice with the Secretary of State. Upon publication of the proposal notice, members of the public will have the opportunity to provide comment in writing or at a scheduled public comment hearing. Notification of the proposed rule repeal will be communicated to the public via the department website, press releases, and written notification to interested persons. After the public comment process, the commission will have the opportunity to review the public comments and make a final decision whether to repeal the rule.

Alternatives and Analysis: Should the commission choose not to repeal ARM 12.9.102, an outdated rule that contradicts statute will continue to cause confusion and misunderstanding of the legal classification of black bears. The repeal of this ARM will not affect black bear management in any way.

Proposed Motion:

I move the commission vote to propose repealing ARM 12.9.102 to clarify the classification of black bear as a big game animal.