



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: December 14, 2021

Agenda Item: Edit ARM 12.9.1403 GRIZZLY BEAR DEMOGRAPHIC OBJECTIVES FOR THE NORTHERN CONTINENTAL DIVIDE ECOSYSTEM

Action Needed: Proposed

Time Needed on Agenda for this Presentation: 30 Minutes

Background: In 2018, the Commission passed a regulatory mechanism for grizzly bear management in the event the threatened grizzly bear status under the federal Endangered Species Act was delisted and management authority transferred to the State of Montana. The administrative rule entitled Grizzly Bear Demographic Objectives For The Northern Continental Divide Ecosystem intended to provide for management objectives that would ensure the continued recovered status of grizzly bear upon delisting. The rule commits to the standards outlined in the NCDE Conservation Strategy for presence of females in the NCDE, managing mortalities, and committing to monitoring connectivity. See ARM 12.9.1403, attached with proposed edits.

To maintain recovered status, commitments in 12.9.1403 would remain in place after delisting. Delisting would allow the commission to authorize hunting in a manner consistent with management objectives described in 12.9.1403. To ensure the grizzly bear would remain in recovered status with state management, the regulatory mechanisms are most effective if they indicate how the state will manage, including when hunting is no longer viewed to be appropriate. In this context, FWP is proposing amendments that maintain the substance of the current ARM language while confirming that hunting and loss of bears to translocation of grizzly bears out of the NCDE have been and will continue to be managed sources of mortality measured and considered among other mortalities in 12.9.1403.

Public Involvement Process and Results: The original rulemaking involved extensive public comment. Proposed amendments, if the commission moves to initiate the process required by the Montana Administrative Policy Act, would be presented to the public for comment through commission meetings, in writing, and in at least one public hearing.

Alternatives and Analysis: The commission could opt not to adopt amendments. The existing language of the administrative rule would remain. The State of Montana may be asked to clarify or confirm the details in these amendments in any delisting effort. Adopting these amendments would be a way to proactively clarify the existing intent of the commission.

Agency Recommendation and Rationale: The department recommends the commission approve for public comment the proposed rulemaking amendment language.

Proposed Motion: I move the Fish and Wildlife Commission vote to adopt for public comment the proposed language to amend ARM 12.9.1403.