



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: June 24, 2021

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

Action Needed: Final

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 The rule is outdated and contradicts statute and current management practices.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: The department filed a proposal notice with the Secretary of State, and the public was afforded an opportunity to provide comment at a virtual public hearing on May 11, 2021, and through email and writing through May 14, 2021. No public attended the virtual hearing, and only a single written comment was submitted.

Alternatives and Analysis: The commission may choose to retain ARM 12.9.102, although the administrative rule contradicts existing statute and may not be enforced. Repeal of this ARM will not influence current black bear management practices in any way.

Agency Rationale and Recommendation: Based on the above analysis, the department recommends the commission repeal ARM 12.9.102.

Proposed Motion:

I move that the commission vote to repeal ARM 12.9.102.