



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: April 19, 2022

Action Needed: Final

Agenda Item: Amendments to ARM 12.9.1403 Grizzly Bear Demographic Objective for the Northern Continental Divide Ecosystem

Time Needed on Agenda for this Presentation: 15 Minutes

Background: In 2018, the Fish and Wildlife Commission passed a regulatory mechanism for grizzly bear management in the event the Northern Continental Divide Ecosystem (NCDE) grizzly bear population 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 female grizzly bears in the NCDE, managing mortalities, and committing to monitoring connectivity. See ARM 12.9.1403, attached with proposed edits. The intent of the proposed amendment is to clarify that hunting mortalities and translocations out of the ecosystem would count against the mortality thresholds.

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 how hunting mortalities will be counted against mortality thresholds and when hunting would no longer be allowed. 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 proposed amendments were published on January 14, 2022 for public comment. A formal hearing on the proposal was held on February 8 and public comment ended on February 18, 2022. Eight written public comments were received, and three people provided comment at the public hearing. Many of the comments opposed delisting grizzly bears and hunting of grizzly bears, which is outside the scope of the proposal. Some commenters opposed the inclusion of the conjunction “and” between section 3(b)(ii) and 3(b)(iii), thinking it reduced the effectiveness of the text, when in reality it clarifies that the commission is adopting and committing to all three demographic parameters indicated in the rule. Similarly, several commenters opposed the inclusion of the conjunction “and” in proposed Section 5, indicating the threshold should be either of the male mortality limit “or” female.

Alternatives and Analysis: FWP recommends modifying the proposed language due to public comment received. The department recommends changing section (5) to read “Hunting will not be allowed in a year if mortality thresholds as described in (3)(b)(ii) OR (3)(b)(iii) were exceeded in the previous year” instead of “(3)(b)(ii) and (3)(b)(iii)”. If the commission adopts the recommended modification, a more conservative approach to evaluating closing hunting will be applied because hunting will not be allowed if either male or female mortality limits are exceeded instead of requiring both to be exceeded.

Agency Recommendation and Rationale: The department recommends the commission approve the proposed amendments to ARM 12.9.1403 with the change to section (5) as recommended above.

Proposed Motion: I move the Fish and Wildlife Commission approve the proposed language to amend ARM 12.9.1403 but change section (5) to read “Hunting will not be allowed in a year if mortality thresholds as described in (3)(b)(ii) OR (iii) were exceeded in the previous year.”