

Montana Fish, Wildlife and Parks' Recommendation to Initiate Montana Administrative Procedures Act Rulemaking on Administrative Rules of Montana to the Fish and Wildlife Commission

To: All Concerned Persons.

Re.: Amendment of Administrative Rules of Montana 12.9.1401 – Grizzly Bear Policy.

The rules proposed to be amended provide as follows, new language underlined, deleted language interlined:

12.9.1401 GRIZZLY BEAR POLICY

(1) Whereas, the Montana fish and game commission has management authority for the grizzly bear, a resident wildlife species, and is dedicated to the preservation of grizzly bear populations within the state of Montana; and

Whereas, the secure habitat for the grizzly has been greatly reduced as a result of the human development and population growth from 1850 through 1950 in the bear's traditional range in all western states; and

Whereas, a significant portion of the remaining grizzly bear habitat and population is located in Montana and these Montana populations occur in wildlands such as wilderness, primitive areas, de facto wilderness areas, national forests, national parks, Indian reservations, and seasonally, on adjacent private lands.

Now, therefore, in order to promote the preservation of the grizzly bear in its native habitat, the commission establishes the following policy guidelines for the Montana department of fish, wildlife, and parks action when dealing with grizzly bear.

(a) Habitat. The department shall work to perpetuate and manage grizzly bear in suitable habitats of this state for the welfare of the bear and the enjoyment of the people of Montana and the nation. In performing this work the department should consider the following:

(i) the commission has the responsibility for the welfare of the grizzly and advocates the protection of the bear's habitat;

(ii) management of Montana's wildlands, including the grizzly bear habitat, is predominantly, but not exclusively, a responsibility of various federal agencies and private landowners;

(iii) land use decisions made by these agencies and individuals affect grizzly bear habitat, thus cooperative programs with these agencies and individuals are essential to the management of this species;

(iv) preservation of wildlands is critical to the protection of this species and the commission advocates wildland preservation in occupied grizzly bear habitat; and

(v) while some logging may not be detrimental to grizzly habitat, each logging sale in areas inhabited by grizzly bear should be carefully reviewed and evaluated.

(b) Research. It is recognized by the commission that research on the habitat requirements and population characteristics of the grizzly bear is essential for the welfare of the species. Departmental research programs and proposals directed at defining those habitat requirements, are encouraged and supported.

(c) Hunting and recreational use. The commission recognizes its responsibility to consider and provide for recreational opportunities as part of a grizzly bear management program. These opportunities shall include: sport hunting, when deemed appropriate; recreational experiences;

aesthetics of natural ecosystems; and other uses consistent with the overall welfare of the species.

(i) The department should consider the variability of values between individuals, groups, organizations, and agencies when management programs for various grizzly bear populations are developed.

(ii) Sport hunting is considered the most desirable method of balancing grizzly bear numbers with their available habitat, minimizing depredations against private property within or adjacent to grizzly bear habitat, and minimizing grizzly bear attacks on humans.

(d) Depredations. Contacts between grizzly bear and humans, or property of humans, require delicate handling and careful consideration. When these contacts reach the stage for definite action, the following actions should be carried out:

(i) Grizzly bear, in the process of threatening or endangering human life, shall be captured or dispatched immediately.

(ii) Where no immediate threat to human life exists, individual bear encounters with humans shall be evaluated on a case-by-case basis and when the attack is abnormal or apparently unprovoked, the individual bear involved shall be captured or dispatched.

(iii) When the attack is normal (e.g., a female defending her cubs, any bear defending its food, or any bear defending itself) but the situation leads itself to no reasonable possibility of leaving the bear in place, then the bear should be removed.

(iv) Grizzly bears ~~committing depredations~~ that do not directly endanger human life but that are causing non-livestock related property losses shall be evaluated on an individual case basis.

(v) Where removal is determined to be the best resolution to the problem, depredating or nuisance bear shall be trapped, and if determined to be suitable for transplanting, shall be marked and released in suitable habitat previously approved with appropriate land management agencies.

(vi) Reasonable efforts shall be made to inform the public of the transplant program, fully explaining the reasons for the capturing and locations of the release area.

(vii) Upon request by an authorized scientific investigative agency or public zoological institution, a captured bear may be given to that agency or institution for appropriate nonrelease research purposes. A reasonable charge may be required to cover costs of handling.

(e) Depredating grizzly bear that are not suitable for release or research because of old age, acquired behavior, disease, or crippling, shall be killed and sent to the department's research facilities for investigation. The public shall be fully informed when these actions are taken and the reasons for these actions shall be fully explained.

(f) Coordination. The department shall consult with appropriate federal agencies and comply with applicable federal rules and regulations in implementation of this policy.