

FWP proposal to be amended: Wolf Regulations

Commissioner: Commissioner Brooke (amendment requested by FWP and represented by Commission Brooke)

Date Received by Commission: Confirmation Received 07/30/2023

Proposed amendment: I move the Fish and Wildlife Commission adopt the fall 2023–winter 2024 furbearer and wolf trapping and hunting seasons and quotas as presented by the department, with all other aspects regarding prior seasons and regulations included, except for those influenced by routine calendar rotations and with the following amendments:

1. “Replace the current language pertaining to use of aircraft to:

Airborne Hunting

Any person who:

- (1) While airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or
- (2) Uses an aircraft to harass any bird, fish, or other animal; or
- (3) Knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2) shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

(b) Exception; report of State to Secretary

- (1) This section shall not apply to any person if such person is employed by, is an authorized agent of, or is operating under a license or permit of, any State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops and each such person so operating under a license or permit shall report to the applicable issuing authority each calendar quarter the number and type of animals taken.”

Requested by FWP: YES

Rational and Background:

Current language: “Airborne Hunting - is generally prohibited under federal law, see 16 USC 742j-1.”

Section 4 of the (attached) litigation settlement agreement in the case *Trap Free Montana and Wolves of the Rockies v. State of Montana by and through the Montana Department of Fish, Wildlife and Parks ; and the Montana Fish and Wildlife Commission*, Cause No. BDV 2021-1261, states: “As further consideration, [FWP] will recommend to the [Commission] to add the following language to the 2023-2024 wolf hunting and trapping regulations....” The language the settlement includes is the language in

the above proposed amendment. FWP is therefore fulfilling its commitment pursuant to the settlement by making this proposed amendment.