

**00:10:32.260 --> 00:10:38.459

Alex Scolavino: Alright! Good afternoon, everyone. It's a 1'clock, Friday, November 3rd, 2023, and this is the time set for the public hearing on the proposed amendment of arm 12.9.1303, pertaining to control methods of the gray wolf include non-lethal and lethal means. My name is Alex Scolavino, and I have been designated by the director of Department of Montana Fish, while life and parks to preside over and conduct this hearing. As stated in paragraph 1 of the proposal notice, there is no in-person public attendance at this hearing, as it is only being conducted by Zoom. Video conference attendees can click on the reactions Icon across the bottom of the screen and find the raise your hand icon and smartphone attendees can press the raise your hand icon, at the bottom of their screen as well, and if you're a phone attendee you can press the number 9. If everybody is ready, I will formally open this administrative rules, hearing and dispense with some required business. The Montana Administrative Procedure Act requires me to read the notice of function of the Administrative Rule Committee. The Notice of function of administrative rule Review committees, says, administrative rule review is a function of interim committees and the Environmental Quality Council or EQC. These interim committees in the EQC have administrative rule review program evaluation and monitoring functions for executive branch agencies and the entities attached to agencies for administrative purposes. The Interim Committee has oversight with regard to rule changes proposed by Montana fish, wildlife and Parks, the Fish and Game Commission, and the State Parks and Recreation Board. The Interim Committees, and the EQC. Have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule, or to request that the agency prepare a statement of the estimated economic impact of a proposal. They may also pull the members of the legislature to determine if a proposed rule is consistent with the intent of the legislature, or during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule or a joint resolution recommending that an agency adopt, amend, or repeal a rule. The interim committees and the EQC welcome comments and invite members of the public to appear before them, or to send written statements in order to bring their attention to any difficulties with existing or proposed rules. The mailing address is PO. Box 201706 in Helena, Montana, 59620-1706. The notice of the public hearing on the proposed amendment was issued by Montana Fish, Wildlife, and Parks, and published on October 6th, 2023, in the nineteenth issue of the Montana Administrative Register. Pursuant to MAR Notice number 12-615. A complete copy of the notice will be included in the official record of this hearing. As shown in paragraph 1 of the notice, the purpose of this hearing is to consider the amendment of the above stated rule pertaining to control methods of the grey wolf, which includes non-lethal and lethal means. Paragraph 2 of the notice of public hearing advises the public that the Department will make reasonable accommodations for persons with disabilities, so that they can participate in the administrative rule process. Paragraph 4 indicates that concerned persons may present their comments either orally or in writing at this hearing. Written comments may be submitted to the wildlife division. Attention, wolf arm. Montana fish, wildlife and Parks. Po. Box 200701 in Helena, Montana. 59620-0701, or by email to fwpwld@mt.gov. Those comments must be received by no later than 5'clock PM. On November 6th, 2023. Just so you are all aware this hearing is being recorded. So we ask that you please speak clearly and identify yourself, and whom you represent at the beginning of your statement. Please confine your statements to the proposed

rulemaking. The purpose of this hearing is to receive public comment on the proposed rulemaking. Comments should be kept no longer than 4 or 5 min, and when all comments have been heard, we may allow follow-up remarks. Please note that as the hearing officer, I can ask you a question to ensure your understanding of your comments. the purpose of the hearing is to gather your comments on the rules as proposed not to answer questions or hypotheticals for the Commission or FWP. Additionally, if you want to recommend specific changes to the language of the proposed rule, it is helpful that you submit the proposed change in writing, in addition to speaking to us about it today. lastly, paragraph 3 of the notice sets forth the proposed amended rules in their entirety, rather than reading the entire full text of the rules, I will quickly provide a very brief summary of the amendment. Ultimately the amendment is to remove reference to the Montana Grey Wolf Conservation and Management Plan. I will now open up the comment period, and, as I previously mentioned we can confine those comments to 4 or 5 min. I'll start off with 5 min since there aren't too many attendees, at least as of now, it indicates that there are 5, so if you guys would please raise your hand or hit number 9, we'll take you guys as you come.

**00:17:16.990 --> 00:17:23.490

Christina Bell: Okay, we're gonna go ahead and start off with the number ending in 794. I'm going to allow you to talk if you wish to make a comment. Okay, I'm gonna go ahead and move on to the next phone number, ending in 757.

**00:18:18.030 --> 00:18:19.289

1408****757: Hi! Can you hear me? Hello!

00:18:27.980 --> 00:18:30.400

Alex Scolavino: Hello! Hey! We can hear you.

**00:18:31.080 --> 00:18:42.120

1408****757: Okay. Sorry. My name's Helena Edelson. I'm with a large carnivore fund in Gardner, Montana. WMU 313. I'm not going to reiterate the plan, as you said. But we have a few things we want to raise our questions are in a letter that we already emailed to the appropriate parties .Given that the rule 12.9.1301. The title of it is commitment preservation of the Grey Wolf as a resident wildlife in need of management, I am confused, and want to raise the issue of why the Department cannot find the time to merely update the timestamp of the plan. The wolf management plan as needed. Why remove it altogether. I've seen the reasoning behind that. However, it just doesn't seem like enough of a reason. I'm sure that, for example, with elk management plans. They have no problem with updating them as needed by any necessary arms, or, similarly with the grizzly arm; and that there was, as you know, there was in August the Arm Amendment removed the Montana Grey Wolf Conservation management plan words and added a replacement. Yet for the September twenty-fifth meeting, it did not include the replacement, so it actually does not, per. The September 25. Meeting specify any, it is absolutely gone in that version of the document, any mentioned of the wolf management plan.. and I think legally, that's unacceptable. Moving on.. there was another deletion that was not presented as part of public process and that is from the Arm Amendment in August, It states the Department is responsible "for any lethal control, decision and" for the status conservation, etc.

But at the September meeting the document that also had the meeting information for

today, that proposal stated, the department is responsible "for the status". So it removed the wording "for any lethal control decision," and that, for some reason was not put to the public. So that's a concern.. um left out of public process. Then I do see that the title of it, lethal and legal means was rectified to non-lethal and lethal means. Thank you.

00:21:10.060 --> 00:21:11.030

Alex Scolavino: Thank you.

00:21:33.920 --> 00:21:39.100

Christina Bell: Hey, we're gonna move on to the phone number, ending in 905.

**00:22:01.480 --> 00:22:11.049

Alex Scolavino: the phone number 905. I don't know if you can hear me, but if you do want to make a comment you can hit Number 9 on your phone, and I believe it should open up for you. We also sent you a prompt asking to unmute you. I don't know if you see that as well, but we'll give you a little bit longer here, just to see if you can figure it out, and then If not, we'll try and get back to you at the end.

00:23:13.430 --> 00:23:18.430

Christina Bell: Okay, we're gonna move on to the phone number ending in 303.

00:23:30.800 --> 00:23:32.090

4176****303: Can you hear me?

00:23:32.370 --> 00:23:33.500

Alex Scolavino: Yes, we can.

**00:23:34.700 --> 00:23:45.570

4176****303: Great. This is Mark Cooke with Wolves of the Rockies. Thanks for the opportunity to speak. We stand in opposition to this amendment and upon legal advice, by our attorneys, we've been asked, not give further information. Thank you.

00:23:51.740 --> 00:23:53.070

Alex Scolavino: Thank you, Mr. Cooke.

00:23:59.850 --> 00:24:04.389

Christina Bell: Alright. We are going to move on to Lizzie Pennock.

00:24:10.590 --> 00:24:11.770

Lizzy Pennock: Hi! Can you hear me.

00:24:12.840 --> 00:24:14.510

Alex Scolavino: hey, Ms. Pennock? Yes, we can.

**00:24:14.630 --> 00:24:27.089

Lizzy Pennock: Hi! This is Lizzie. On behalf of wild Earth guardians. We agree with wolves with the Rockies. We do not support the Commission moving forward with this proposed amendment of the above stated rule to remove any mention of the Wolf plan from ARM. 12.9.1303. We have concerns about the last meeting on which this process

today is founded, because it is being challenged in court as a violation of opens meetings, laws, and with this process to change the arm, we're concerned that the Montana Fish and Wildlife Commission is not actually managing fisher wildlife. The express purpose of this entire process is to undermine the lawsuit, as was stated at the September 25th meeting, and that has opened up the state to even more litigation.

And regardless of this process, to change this arm which has been going on since April, the wolf plan ia still gonna be a rule, and should still be the document by which the State manages its wolf population. Thank you.

**00:25:30.810 --> 00:25:32.110

Alex Scolavino: Thank you. Ms. Pennock.

00:25:36.230 --> 00:25:43.860

Christina Bell: Okay, I see that the number ending in 303 has popped on again. So I'm gonna go ahead and allow you to talk.

00:26:11.930 --> 00:26:18.300

Alex Scolavino: Looks like we still can't hear you. The phone number, and in 303 it still looks like you're muted again. We'll give you a little bit of time here since you're the last attendee. and then hopefully, we could get it all cleared out. We're trying to prompt you with a message that should unmute you. So if you. There you go. You're unmuted.

**00:26:39.600 --> 00:26:46.219

4176****303: Yeah, I don't understand what's going on here. But I've already made a comment. This is Mark cooke.

**00:27:06.000 --> 00:27:14.269

Alex Scolavino: Oh, okay, thank you Mr. Cooke. Okay, I think that is everyone. If there was anyone that did not have an opportunity to make comment. Do you mind just raising your hand or hitting the unmute button that way we can listen to you. Okay? Well, no one else has raised their hand and no one else has joined. I'm gonna give it until 1:30, just to see if any other participants log in. Those that have made comment, you guys are free to leave if you choose to or you can stay on the zoom call to listen, or see if anyone else pops in. But I'm going to give it until 1:30, just to see if anyone else pops up and just to provide them with an opportunity to speak.

00:40:37.430 --> 00:40:44.650

Alex Scolavino: Okay, seeing that is now 1:30, and there are no additional commenters, It looks like it is appropriate to close the meeting. So I just want to remind everyone that is still present, that all comments must be submitted, so that the Department receives them no later than 5'clock PM on November 6th, 2023, and as no one has indicated a desire to provide any further comment, I want to thank everyone for participating and officially close this public rules hearing. Thank you very much.