MONTANA GRIZZLY BEAR REGULATORY MECHANISMS (10/23/2015)

The following are state statutes, administrative rules, management plans, and regulation framework that demonstrate regulatory powers and mechanisms of the State of Montana, Montana Fish, Wildlife and Parks, and the Montana Fish and Wildlife Commission to conserve and manage grizzly bears within the state of Montana. (some key elements have been highlighted in yellow)

MONTANA CODE ANNOTATED (State Statute)

All state statutes are available for review at: http://leg.mt.gov/bills/mca_toc/

1-1-508. State animal. The grizzly bear, Ursus arctos horribilis, as preferred by a vote of Montana schoolchildren, is the official Montana state animal.

87-1-201. Powers and duties. (1) Except as provided in subsection (11), the department shall supervise all the wildlife, fish, game, game and nongame birds, waterfowl, and the game and fur-bearing animals of the state and may implement voluntary programs that encourage hunting access on private lands and that promote harmonious relations between landowners and the hunting public. The department possesses all powers necessary to fulfill the duties prescribed by law and to bring actions in the proper courts of this state for the enforcement of the fish and game laws and the rules adopted by the department.

(2) Except as provided in subsection (11), the department shall enforce all the laws of the state regarding the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.

(3) The department has the exclusive power to spend for the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise. Money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from fines or damages collected for violations of the fish and game laws, or from appropriations or received by the department from any other sources is under the control of the department and is available for appropriation to the department.

(7) Except as provided in subsection (11), the department is authorized to make, promulgate, and enforce reasonable rules and regulations not inconsistent with the provisions of Title 87, chapter 2, that in its judgment will accomplish the purpose of chapter 2.

(8) The department is authorized to promulgate rules relative to tagging, possession, or transportation of bear within or outside of the state.

(9) (a) The department shall implement programs that:

(i) manage wildlife, fish, game, and nongame animals in a manner that prevents the need for listing under 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq.;

(ii) manage listed species, sensitive species, or a species that is a potential candidate for listing under

87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., in a manner that assists in the maintenance or recovery of those species;

(b) In maintaining or recovering a listed species, a sensitive species, or a species that is a potential candidate for listing, the department shall seek, to the fullest extent possible, to balance maintenance or recovery of those species with the social and economic impacts of species maintenance or recovery.

(c) Any management plan developed by the department pursuant to this subsection (9) is subject to the requirements of Title 75, chapter 1, part 1.

(d) This subsection (9) does not affect the ownership or possession, as authorized under law, of a privately held listed species, a sensitive species, or a species that is a potential candidate for listing.

(10) The department shall publish an annual game count, estimating to the department's best ability the numbers of each species of game animal, as defined in 87-2-101, in the hunting districts and administrative regions of the state. In preparing the publication, the department may incorporate field observations, hunter reporting statistics, or any other suitable method of determining game numbers. The publication must include an explanation of the basis used in determining the game count.

(11) The department may not regulate the use or possession of firearms, firearm accessories, or ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

(a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the establishment of special archery seasons;

(b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including bows and arrows, traditional handguns, and muzzleloading rifles;

(c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to 87-6-401(1)(f);

(d) the regulation of migratory game bird hunting pursuant to 87-3-403; or

(e) the restriction of the use of rifles for bird hunting pursuant to 87-6-401(1)(g) or (1)(h).

87-1-217. Policy for management of large predators -- legislative intent. (1) In managing large predators, the primary goals of the department, in the order of listed priority, are to:

(a) protect humans, livestock, and pets;

(b) preserve and enhance the safety of the public during outdoor recreational and livelihood activities; and

(c) preserve citizens' opportunities to hunt large game species.

(2) With regard to large predators, it is the intent of the legislature that the specific provisions of this section concerning the management of large predators will control the general supervisory authority of the department regarding the management of all wildlife.

(3) For the management of wolves in accordance with the priorities established in subsection (1), the department may use lethal action to take problem wolves that attack livestock if the state objective for breeding pairs has been met. For the purposes of this subsection, "problem wolves" means any individual wolf or pack of wolves with a history of livestock predation.

(4) The department shall work with the livestock loss board and the United States department of agriculture wildlife services to establish the conditions under which wolf carcasses or parts of wolf carcasses are retrieved during wolf management activities and when those carcasses or parts of

carcasses are made available to the livestock loss board for sale or auction pursuant to 2-15-3113.

(5) The department shall ensure that county commissioners and tribal governments in areas that have identifiable populations of large predators have the opportunity for consultation and coordination with state and federal agencies prior to state and federal policy decisions involving large predators and large game species.

(6) As used in this section:

(a) "consultation" means to actively provide information to a county or tribal government regarding proposed policy decisions on matters that may have a harmful effect on agricultural production or livestock operations or that may pose a risk to human health or safety in that county or on those tribal lands and to seek information and advice from counties or tribal governments on these matters;

(b) "large game species" means deer, elk, mountain sheep, moose, antelope, and mountain goats; and

(c) "large predators" means bears, mountain lions, and wolves.

87-1-301. Powers of commission. (1) Except as provided in subsections (7) and (8), the commission:

(a) shall set the policies for the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department related to fish and wildlife as provided by law;

(b) shall establish the hunting, fishing, and trapping rules of the department;

87-1-304. Fixing of seasons and bag and possession limits. (1) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may:

(a) fix seasons, bag limits, possession limits, and season limits;

(b) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101;

(c) declare areas open to the hunting of deer, antelope, elk, moose, sheep, goat, mountain lion, bear, wild buffalo or bison, and wolf by persons holding an archery stamp and the required license, permit, or tag and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, goat, mountain lion, bear, wild buffalo or bison, and wolf in those areas;

(d) subject to the provisions of 87-1-301(7), restrict areas and species to hunting with only specified hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences; and

(e) declare areas open to special license holders only and issue special licenses in a limited number when the commission determines, after proper investigation, that a special season is necessary to ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. The commission may declare a special season and issue special licenses when game birds, animals, or fur-bearing animals are causing damage to private property or when a written complaint of damage has been filed with the commission by the owner of that property. In determining to whom special licenses

must be issued, the commission may, when more applications are received than the number of animals to be killed, award permits to those chosen under a drawing system. The procedures used for awarding the permits from the drawing system must be determined by the commission.

(2) The commission may adopt rules governing the use of livestock and vehicles by archers during special archery seasons.

(3) Subject to the provisions of 87-5-302 and subsection (7) of this section, the commission may divide the state into fish and game districts and create fish, game, or fur-bearing animal districts throughout the state. The commission may declare a closed season for hunting, fishing, or trapping in any of those districts and later may open those districts to hunting, fishing, or trapping.

(4) The commission may declare a closed season on any species of game, fish, game birds, or fur-bearing animals threatened with undue depletion from any cause. The commission may close any area or district of any stream, public lake, or public water or portions thereof to hunting, trapping, or fishing for limited periods of time when necessary to protect a recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations or to prevent the undue depletion of fish, game, fur-bearing animals, game birds, and nongame birds. The commission may open the area or district upon consent of a majority of the property owners affected.

(5) The commission may authorize the director to open or close any special season upon 12 hours' notice to the public.

87-2-101. Definitions. As used in Title 87, chapter 3, and this chapter, unless the context clearly indicates otherwise, the following definitions apply:

(4) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, bear, and wild buffalo.

(6) "Hunt" means to pursue, shoot, wound, take, harvest, kill, chase, lure, possess, or capture or the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of shooting, wounding, taking, harvesting, killing, possessing, or capturing wildlife protected by the laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently taken. The term includes an attempt to take or harvest by any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or capturing.

87-2-701. ***(Effective March 1, 2016)*** **. Special licenses.** (1) An applicant who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the department, is to be issued and shall pay the following fees:

(a) moose--resident, $125; nonresident, $1,250;

(b) mountain goat--resident, $125; nonresident, $1,250;

(c) mountain sheep--resident, $125; nonresident, $1,250;

(d) antelope--resident, $14; nonresident, $200;

(e) grizzly bear--resident, $150; nonresident, $1,000;

(f) black bear--nonresident, $350;

(g) wild buffalo or bison--resident, $125; nonresident, $1,250.

(2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear, the person shall purchase a trophy license for a fee of $50 within 10 days after the date of the kill. The trophy license authorizes the holder to possess and transport the trophy.

(3) Except as provided in 87-5-302 for special grizzly bear licenses, special licenses must be issued in a manner prescribed by the department.

87-2-702. Restrictions on special licenses -- availability of bear and mountain lion licenses. (1) A person who has killed or taken any game animal, except a deer, an elk, or an antelope, during the current license year is not permitted to receive a special license under this chapter to hunt or kill a second game animal of the same species.

(2) The commission may require applicants for special permits authorized by this chapter to obtain a valid big game license for that species for the current year prior to applying for a special permit.

(3) Except as provided in 87-2-815, a person may take only one grizzly bear in Montana with a license authorized by 87-2-701.

87-2-814. ***(Effective on occurrence of contingency)*** **Auction or lottery of grizzly bear license.** (1) The commission may issue one grizzly bear license each year through a competitive auction or lottery. The commission shall promulgate rules for the use of the license and conduct of the auction or lottery. A wildlife conservation organization may be authorized to conduct the license auction or lottery, in which case the authorized organization may retain up to 10% of the proceeds of the sale to cover reasonable auction or lottery expenses.

(2) All proceeds remaining from the auction or lottery, whether conducted by the commission or as otherwise authorized by the commission, must be used by the department for the management of grizzly bears.

87-5-103. Legislative intent, findings, and policy. (1) The legislature, mindful of its constitutional obligations under Article II, section 3, and Article IX of the Montana constitution, has enacted The Nongame and Endangered Species Conservation Act. It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

(2) The legislature finds and declares all of the following:

(a) that it is the policy of this state to manage certain nongame wildlife for human enjoyment, for scientific purposes, and to ensure their perpetuation as members of ecosystems;

(b) that species or subspecies of wildlife indigenous to this state that may be found to be endangered within the state should be protected in order to maintain and, to the extent possible, enhance their numbers;

(c) that the state should assist in the protection of species or subspecies of wildlife that are considered to be endangered elsewhere by prohibiting the taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment within this state of species or subspecies of wildlife unless those actions will assist in preserving or propagating the species or subspecies.

87-5-105. Regulations to manage nongame wildlife. (1) On the basis of the determinations made pursuant to 87-5-104, the department shall issue management regulations. The regulations must set forth species or subspecies of nongame wildlife that the department considers to be in need of management pursuant to 87-5-104 through 87-5-106, giving their common and scientific names by species and subspecies.

(2) The department shall by regulation establish limitations relating to taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment considered necessary to manage nongame wildlife that is designated in need of management.

87-5-107. List of endangered species. (1) (a) On the basis of investigations on nongame wildlife provided for in 87-5-104 and other available scientific and commercial data and after consultation with other state wildlife agencies, appropriate federal agencies, and other interested persons and organizations, the department shall recommend to the legislature a list of those species and subspecies of wildlife indigenous to the state that are determined to be endangered within this state, giving their common and scientific names by species and subspecies.

(b) The department may propose legislation to specifically include any species or subspecies of fish and wildlife appearing on the United States' list of endangered native fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix D) as it appears on July 1, 1973, as well as any species or subspecies of fish and wildlife appearing on the United States' list of endangered foreign fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix A), as that list may be modified.

(2) (a) The department shall conduct a review of the state list of endangered species every 2 years. The department may propose specific legislation to amend the list by additions that are considered appropriate and at times that are considered appropriate.

(b) Whenever a species or subspecies is removed from the United States' list of endangered native fish and wildlife (part 17 of Title 50 of the Code of Federal Regulations, appendix D) and that species or subspecies is also on the state list of endangered species in ARM 12.5.201, the department shall amend the state list to remove that species or subspecies. The removal of a species or subspecies from the state list pursuant to this subsection (2)(b) does not require approval by the legislature.

(3) Except as otherwise provided in this part, it is unlawful for any person to take, possess, transport, export, sell, or offer for sale and for any common or contract carrier knowingly to transport or receive for shipment any species or subspecies of wildlife appearing on any of the following lists:

(a) the list of wildlife indigenous to the state determined to be endangered within the state pursuant to subsection (1);

(b) any species or subspecies of fish and wildlife included by the department and appearing on the

United States' list of endangered native fish and wildlife (part 17 of Title 50, Code of Federal Regulations, appendix D) as it appears on July 1, 1973; and the United States' list of endangered foreign fish and wildlife (part 17 of Title 50, Code of Federal Regulations, appendix A), as that list may be modified.

(4) Any species or subspecies of fish and wildlife appearing on any of the enumerated lists that is brought into the state from another state or from a point outside the territorial limits of the United States and that is transported across the state destined for a point beyond the state may be brought into the state and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(5) If the United States' list of endangered native fish and wildlife is modified by additions, the modifications, whether or not involving species or subspecies indigenous to the state, may be accepted as binding under subsections (3) and (4) if, after the type of scientific determination described in subsection (1), the department proposes and the legislature accepts the modification for the state.

87-5-301. Grizzly bear -- findings -- policy. (1) The legislature finds that:

(a) grizzly bears are a recovered population and thrive under responsive cooperative management;

(b) grizzly bear conservation is best served under state management and the local, state, tribal, and federal partnerships that fostered recovery; and

(c) successful conflict management is key to maintaining public support for conservation of the grizzly bear.

(2) It is the policy of the state to:

(a) manage the grizzly bear as a species in need of management to avoid conflicts with humans and livestock; and

(b) use proactive management to control grizzly bear distribution and prevent conflicts, including trapping and lethal measures.

87-5-302. Commission regulations on grizzly bears. (1) The commission may:

(a) pursuant to subsection (2), regulate the hunting of grizzly bears, including the establishment of tagging requirements for carcasses, skulls, and hides; and

(b) establish requirements for the transportation, exportation, and importation of grizzly bears.

(2) When special grizzly bear licenses are to be issued pursuant to 87-2-701, the commission shall establish hunting season quotas for grizzly bears that will prevent the population of grizzly bears from decreasing below sustainable levels and with the intent to meet population objectives for elk, deer, and antelope. The provisions of this subsection do not affect the restriction provided in 87-2-702(3) that limits a person to the taking of only one grizzly bear in Montana.

87-6-404. Unlawful use of dog while hunting. (1) Except as provided in subsections (3) through (6), a person may not:

(a) chase any game animal or fur-bearing animal with a dog;

87-6-413. Hunting or killing over limit. (1) A person may not attempt to kill, take, shoot, or capture or kill, take, hunt, shoot, or capture more than one game animal of any one species in any 1 license year unless the killing of more than one game animal of that species has been authorized by regulations of the department.

(2) If a person is convicted or forfeits bond or bail after being charged with hunting or killing over the limit of:

(a) mountain sheep, moose, wild buffalo, caribou, mountain goat, black bear, or grizzly bear, the person shall be fined not less than $500 or more than $2,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 30 months from the date of conviction or forfeiture unless the court imposes a longer period.

ADMINISTRATIVE RULES OF MONTANA (ARM)

All state administrative rules are available for review at: http://www.mtrules.org/

12.9.103 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, 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 bear committing depredations that do not directly endanger human life but that are causing 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.

Bear Identification Test: The Bear Identification Program is intended to prevent the killing of grizzly bears as a result of mistaken identity. Black bear hunters in Montana are required to pass the Bear Identification test to obtain a black bear license.

Hunters must complete the program and have a validated certificate to purchase a black bear license. If purchasing your black bear license *after* the (April 15) spring or (August 31) fall deadline, there will be a 24–hour wait before you can use the license.

GRIZZLY BEAR MANAGEMENT PLANS

Grizzly Bear Management Plan for Southwest Montana (December 2013) –

Available on FWP website at:
http://fwp.mt.gov/fishAndWildlife/management/grizzlyBear/grizEis.html

This plan specifically deals with the goals for managing grizzly bear resources in southwestern Montana. These goals are:

1. To provide the people of Montana and visitors with optimum outdoor recreational opportunities emphasizing the tangible and intangible values of wildlife, and the natural and cultural resources in a manner that:

   a. Is consistent with the capabilities and requirements of the resources,

   b. Recognizes present and future human needs and desires, and,

   c. Ensures maintenance and enhancement of the quality of the environment.

2. To protect, perpetuate, enhance, and regulate the wise use of wildlife resources for public benefit now and in the future.

3. To manage for a recovered grizzly bear population in southwestern Montana and to allow for grizzly populations in areas that are biologically suitable and socially acceptable.

Grizzly Bear Management Plan for Western Montana (2006) –
Available on FWP website at:
http://fwp.mt.gov/fishAndWildlife/management/grizzlyBear/managementPlan.html

Montana Fish, Wildlife and Parks (FWP) has released a management plan and final programmatic environmental impact statement (EIS) for grizzly bears in 17 counties located in western Montana. The plan was developed to address the future of grizzly bear management in western Montana outside the Greater Yellowstone Area. It focuses on grizzly bear populations or potential populations in the Northern Continental Divide, Cabinet-Yaak, and Bitterroot Ecosystems, as well as surrounding areas. In response to an increase in the number and distribution of bears in western Montana, FWP developed the programmatic EIS to evaluate current management programs and ensure the future success of grizzly bear conservation.

2007 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area:

Available on web at: http://www.fws.gov/mountain-prairie/es/species/mammals/grizzly/Final_Conservation_Strategy.pdf

Montana Fish,Wildlife and Parks is a signator to this document, committing the agency to post delisting management of grizzly bears in the GYA, including population and demographic stipulations. The Strategy provides adequate assurance that Montana FWP and other participating agencies will implement the agreement, which is sufficient to meet the reasonableness required for regulatory mechanisms.

This document will be amended in 2016 to incorporate agreed upon modifications.

Tri State MOU

Montana Fish, Wildlife and Parks and the Montana Fish and Wildlife Commission will enter into a Memorandum of Understanding (MOU) with the Idaho Fish and Game Commission and the Wyoming Game and Fish Commission detailing the allocation of discretionary mortality in the GYA on an annual basis (Three State MOU)

HUNTING REGULATION FRAMEWORK

The following regulation framework identifies types of considerations that would be considered if/when FWP moved forward with a regulated hunting season for grizzly bears in the Greater Yellowstone Area (GYA) Distinct Population Segment (DPS). Final regulations will be determined by the Fish and Wildlife Commission at the time of adoption.

Draft Montana Hunting Season Regulation Framework for Yellowstone Grizzly Bears

Guiding Principles:

- Maintain a viable grizzly bear population in Montana (Yellowstone) under state management.
- Increase broad public acceptance of sustainable harvest and hunter opportunity as an effective part of successful, long-term grizzly bear conservation.
- Maintain positive and effective working relationships with stakeholders.

Objective:

- Upon delisting, the states of Montana, Idaho, and Wyoming will manage the GYA grizzly bear population within the DMA at least at the 2002-2014 Chao2 average point estimate with 95% confidence intervals (600-747).

Allocation of Discretionary Mortality

- Allocation of discretionary mortality will be determined among the 3 states each year based on population monitoring and total mortality the previous year. Determination of allowable mortality will be done in conjunction with the states of WY and ID so as not to exceed male and female mortality threshold described in updated Conservation Strategy and delisting rule.

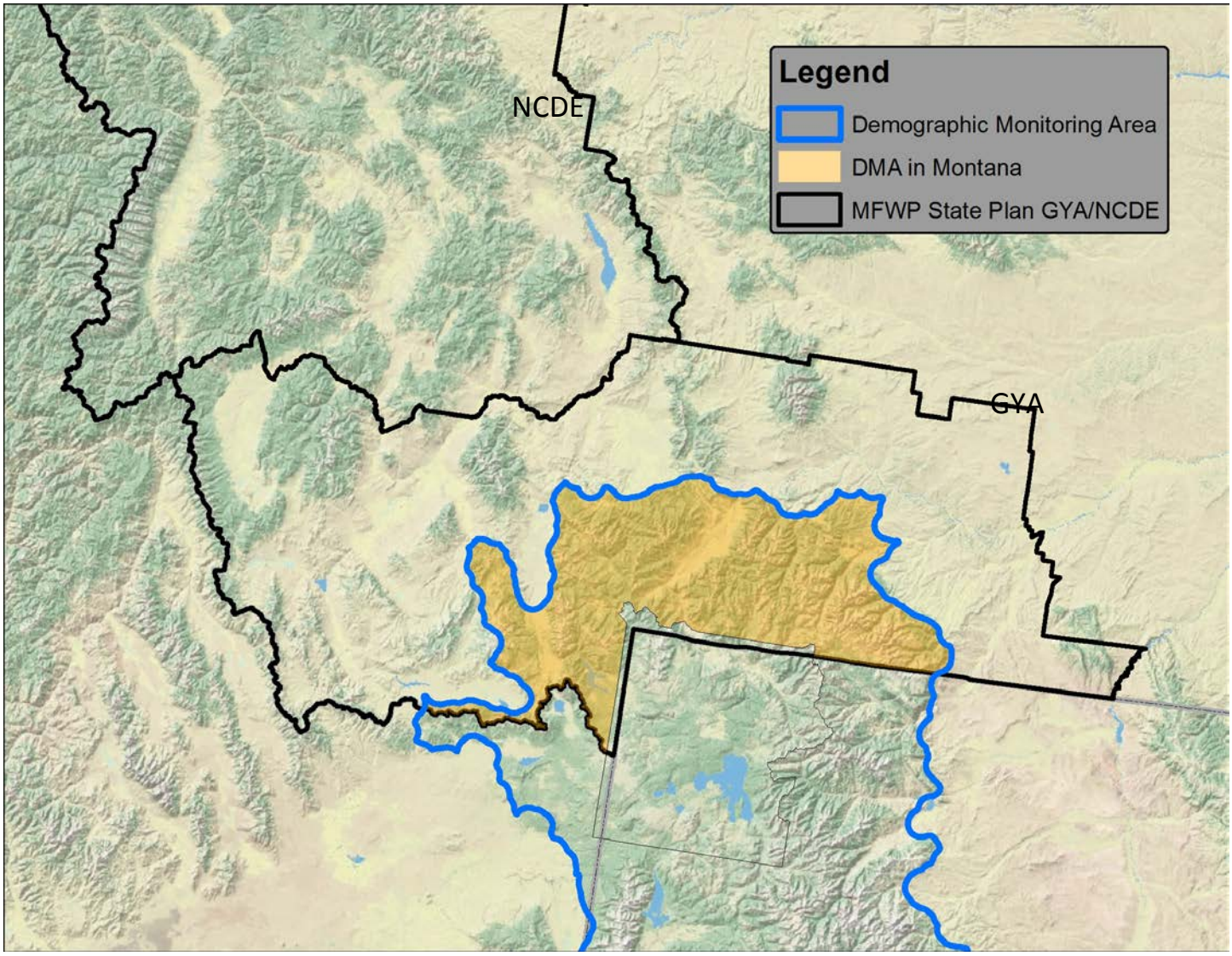
Season Setting

- The Grizzly Bear season structure and quotas will be set annually in December (tentative) – February (final) by the Fish and Wildlife Commission, consistent with the post delisting management plan (MOU) agreed upon by MT, ID, and WY; taking into consideration the population status, previous years' total mortality, allowable mortality, management issues, management objectives, public input, and other biological and social data.

Bear Management Units

- That portion of the GYA in Montana outside of YNP will be divided into at least two Bear Management Units (within the DMA and outside of the DMA). These may be divided into smaller BMUs depending on management objectives, bear distribution, etc.) **(**Figure 1**).**
    a. Demographic Monitoring Area (DMA) - This is the area within which mortality limits will be closely observed and the sliding scale will apply. These areas can only be hunted via a limited number of licenses permits obtained through a random drawing of applicants.
    b. Outside of DMA – Mortality limits are not strictly required outside the DMA. These areas would be hunted under a license/permit or harvest quota system as well. Quotas during spring here would encourage male harvest (closure via quota means pressure to hunt earlier).
    c. Auction License – 1 of allowable take auctioned to highest bidder, valid in any open unit, with funds dedicated to grizzly bear conservation or monitoring program.

Potential grizzly bear units in Montana.



Quotas

- For each Bear Management Unit, there will be a male and/or female quota (note: the quota for a specific gender within a BMU, or for the whole BMU, could be zero). Hunters will be required to report harvest within 24 hours. Upon reaching of the female quota, the BMU will close to further grizzly bear hunting within 12 hours. Quota status is available on line and through a phone recording. See example of online quota status at: http://fwp.mt.gov/news/restrictions/ . Wording in regulations would be similar to this wording from the current Furbearer regulations: Current harvest status information may be obtained by calling 1-800-711-8727 or 406-444-9557, 24 hours a day or the FWP website at fwp.mt.gov. The toll free line and website are updated by 1 p.m. (MST) every day.

Season Date Considerations – Spring or Fall (TBD)

- Spring season would be less likely to over or under harvest targets. Once grizzlies have denned and all fall hunting related mortality is accounted for, the total allowable take remaining is known. If fall human-caused mortality is higher than usual, we are less likely to go over. If fall human-caused mortality is lower, we can increase the number of permits activated. In both situations, we are dealing with more of a known entity that we would be if we conduct a fall season.
- Grizzly biology and the desire to limit female mortality indicate a spring season would be best. Female bears enter dens earlier and emerge later than males). The degree of separation is more pronounced for reproductive females. This biology allows season timing to reduce take of females. Percentage of females in black bear harvest in MT is lower in spring, 31% vs 37%. Yellowstone grizzly data suggest this effect is most evident during spring, and that the following dates would be most effective at filling male quotas prior to female quotas ending the season (see Figure 2).
    a. Spring: March 1-April 21. Male grizzlies in GYA begin emerging in Feb, and by Mar 1 about 25% are out. By Apr 1, approximately 60% of male grizzlies have emerged from dens whereas less than 10% of females have emerged (almost zero females with cubs). By Apr 21, about 90% of males have emerged but only 40% of females with cubs. By May 1, almost all grizzlies have emerged. This is 7 weeks (though much during winter) with a high degree of separation by sex.
    b. Fall: Oct 15 – Nov 7. The greatest degree of separation between males and females entering dens occurs Oct 15 – Nov 7. By Oct 15 about 10% of females have entered and almost no males. By Nov 1, 50% of females have entered and only 25% of males. By Nov 14 the degree of separation is insignificant and 70% of grizzlies are in dens. This is 3 weeks total without much separation by sex.
- The majority of Montana black bears are taken during spring (53%), when far fewer license holders are in the woods. This indicates that fall bears are more likely to be taken opportunistically as opposed to specifically bear hunting. Our bear hunters hunt

during spring, and bear pelts are generally considered better in spring.

Figure 2. Yellowstone grizzly bear den entrance and emergence dates by sex and reproductive status. Taken from Haroldson et al. 2002.

Fall

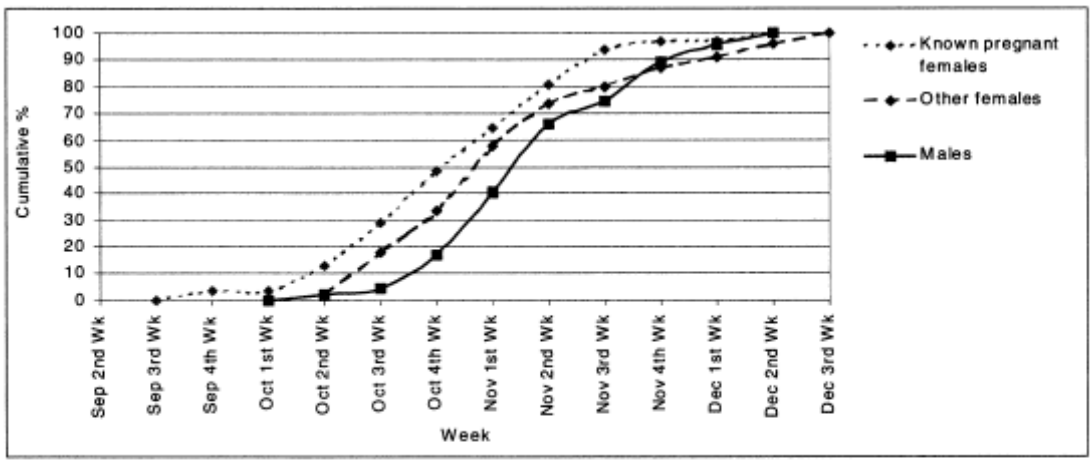


Fig. 2. Cumulative percent of grizzly bears denned by week in the Greater Yellowstone Ecosystem, 1975–99. Week of den entry was determined for bears if the days between their last known pre-den location and their first known date denned was ≤14 days.

Spring

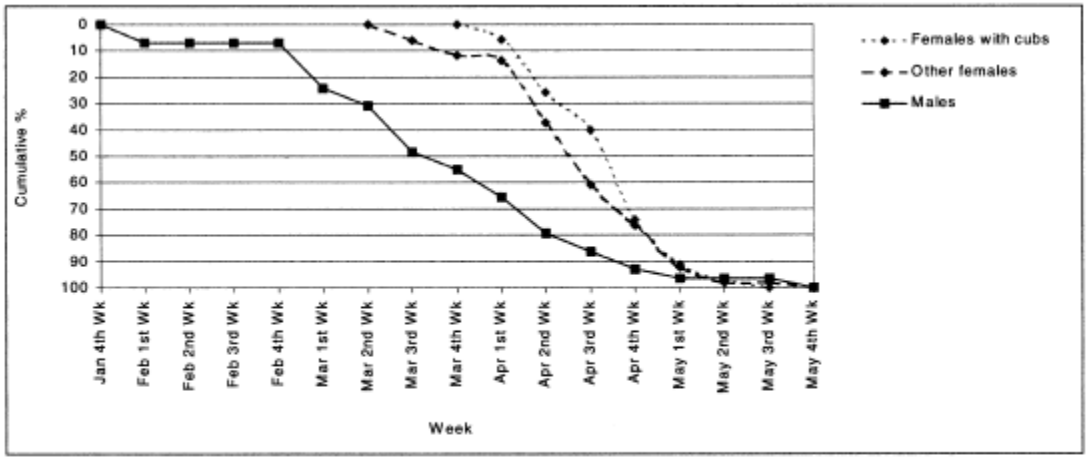


Fig. 3. Cumulative percent of bears emerged from dens by week in the Greater Yellowstone Ecosystem, 1975–99. Week of den emergence was determined for bears if the days between their last known location in dens and their first known active location was ≤14 days.

Other Regulations

- Hunter Education – All *applicants* for a grizzly bear license must have completed a hunter education course. Bowhunters must have completed a bowhunter education course.

- Bear Identification Test – Mandatory successful completion. http://fwp.mt.gov/education/hunter/bearID/
- License cost – Resident $50, Non-resident $1000.
- License availability – Max 10% non-resident for limited licenses.
- One license will be auctioned to the highest bidder each year and funds from the auction will be used to monitor the grizzly bear population.
- License Purchase Date – Must be purchased prior to season or prior to harvest by a minimum time period.
- Special License/Permit Drawing Date – Drawn prior to start of hunting season.
- Waiting Period – Minimum waiting period for successful applicants/license holders before they may apply or hunt again. *(not including auction)*
- Females with young – Females accompanied by young cannot be taken. Young are defined as cubs less than one year old, yearlings and 2-year olds
- Cubs and Yearlings – Cubs cannot be taken. *No take of young accompanying female.*
- Mandatory reporting requirements – Mandatory 24 hour reporting of grizzly bear harvest. Wounded bears that are not recovered or harvested bears that are lactating or have young must be reported as soon as possible not to exceed 12 hours unless backcountry conditions require 24 hours.
- Inspection – Within 5 days of harvesting a grizzly bear, successful hunters are required to present the hide and skull to provide evidence of sex (attached to hide) , allow tagging of the hide and skull, and collection of biological samples.
- Prohibited methods of hunting
    - Airplane – no locating or communication of information on the same day.
    - Unmanned Aerial Vehicles – prohibited.
    - Artificial light – prohibited.
    - Bait or scent attractants – prohibited.
    - Hounds – prohibited.
    - Electronic calls – prohibited.
    - Game Cameras – prohibited during season.
    - Night vision – prohibited.
    - Motorized vehicles – cannot shoot from motorized vehicle, cannot concentrate or chase from motorized vehicle.
    - Public roadways – cannot shoot from public roadway.
- Marked or radio-collared animals – Discouraged, but legal to take, must return tag or collar to MFWP.
- Hunting hours – Half hour before sunrise and after sunset.
- Kill site verification – Must return if requested by MFWP.
- Possession or sale of parts – Only hides, heads (skulls), or mounts may be legally sold.
- Restitution - $8,000 fine for illegally taken grizzly bear.