

From: [Bush, Jodi](#)
To: [McDonald, Ken](#)
Subject: Re: Assistance requested
Date: Wednesday, August 03, 2016 2:17:38 PM

thanks Ken. JB

Jodi L. Bush
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On Wed, Aug 3, 2016 at 12:24 PM, McDonald, Ken <kmcdonald@mt.gov> wrote:

The statement is accurate re: Montana's hunting season framework and MOA. Similar to ID, state statute (Title 87) gives authority to our commission to regulate and limit hunting (see attached). The Commission process is a rule making process, and both documents underwent the same process – proposed, public comment, final. The MOA will be signed by all three state directors and Commissions as well.

Thanks. Let me know if you have any questions.

Ken McDonald

Wildlife Division Administrator

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From: Bush, Jodi [mailto:jodi_bush@fws.gov]
Sent: Wednesday, August 3, 2016 11:15 AM
To: Gould,Jeff; McDonald, Ken
Subject: Fwd: Assistance requested

any comment on the attached language? (from previous EM) JB

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The Service will be publishing a FR notice later this month to make available the Peer Review and notify the public that the State Mgmt plans are available. We attempt to characterize these plans in our FR with the language below. Can you review and make sure we aren't saying anything inaccurate? Feel free to provide edits or revisions. Thanks for your help. JB

Highlights of Recently Released State Grizzly Bear Management Regulations

Montana, Wyoming, and Idaho each used a different regulatory method to enact their state rules governing human-caused grizzly bear mortality.

MTFWP. Montana's Fish and Wildlife Commission adopted hunting regulations that outline the structure of a grizzly bear hunting season on July 13, 2016 (CITE MT REGS). Before adopting these regulations, Montana released the draft regulations for public comment and review. Montana's Fish and Wildlife Commission also approved the Tri-State MOA (CITE MOA). Montana has indicated that by adopting the Tri-State MOA in the same manner as its regulations, through a public process, the provisions of the Tri-State MOA, as they apply to Montana Fish, Wildlife, and Parks, are equal to a regulatory, non-voluntary mechanism. The binding authority is through the adoption of the Tri-State MOA as a regulation through passage by the Fish and Wildlife Commission. This notice and the Service Assessment below assume the Tri-State MOA is regulatory, as indicated by the State. We are accepting public comments on this issue.

IDFG. Idaho's Fish and Game Commission issued a proclamation relating to the limit of the take of grizzly bears in the GYE on DATE. Idaho Code Section 36-105 gives the Idaho Fish and Game Commission the authority to use proclamations, which "have full force and effect as law," as a means of "setting any season or limit on numbers, size, sex or species of wildlife classified by the commission as game animals" (Idaho Code Section 36-105). Since grizzly bears are classified as game animals in IDAPA 13.01.06.100.01e, the Idaho Fish and Game Commission may use a proclamation to establish binding rules limiting the hunting of grizzly bears (Idaho Administrative Code 13.01.06.100.01e).

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