

From: [Powell, Tyson](#)
To: [Matt Hogan](#)
Cc: [Ann Navaro](#); [Barry Roth](#); [Matthew McKeown](#); [Dana Jacobsen](#)
Subject: Re: MT Regulatory Mechanisms
Date: Monday, July 18, 2016 4:32:48 PM

I have not had a chance to look at Montana's submittal yet. When do you leave for WAFWA?

On Mon, Jul 18, 2016 at 4:25 PM, Matt Hogan <Matt_Hogan@fws.gov> wrote:

Thanks Tyson. We will be seeing all 3 states at WAFWA so would be good to have a final sense on the legal sufficiency of all 3 plans.

From: Powell, Tyson [mailto:tyson.powell@sol.doi.gov]
Sent: Monday, July 18, 2016 4:17 PM
To: Ann Navaro
Cc: Barry Roth; Matthew McKeown; Dana Jacobsen; Matt Hogan
Subject: Fwd: MT Regulatory Mechanisms

FYI.

----- Forwarded message -----

From: **Dockter, Rebecca** <rdockter@mt.gov>
Date: Mon, Jul 18, 2016 at 3:22 PM
Subject: MT Regulatory Mechanisms
To: "Powell, Tyson" <tyson.powell@sol.doi.gov>

Hi there,

I am providing you with the documents that were approved by the Fish and Wildlife Commission last week (Wednesday, July 13) including the MOA and the regulations. The minutes are not yet drafted but will also serve as a part of the record.

To help you refer to the regulations that correspond to the particular requirements, I have included a note for each of the highlighted sections in each of these documents to correspond with the regulatory mechanism required in the proposed rule. Let me know if you cannot read the notes/comments.

As you will see, the reference for the requirement that grizzly bear hunting be suspended inside the DMA if total mortality limits for any sex/age class (as per the table in the MOA

and proposed rule) are met at any time during the year may need explanation. I've provided that here. I believe the rest of the requirements and corresponding regulatory mechanisms are self-explanatory.

For the requirement that hunting be suspended if total mortality limits are met for each category, in particular, we've accomplished this through setting quotas. Montana sets quotas every year based upon the previous year's population estimates. Each quota will be based upon the table identified in the MOA for the acceptable number of bears to take (or not). If the quotas are exceeded in any category, hunting will cease. What this means practically is that our quotas will ensure that we will never get to the circumstance where the total mortality limits for any sex/age class are met. The quotas are designed, based upon the table in the MOA (and required in the proposed rule) to ensure that this won't happen. In addition, because each of the states have committed to the same quota and to ultimately close hunting if the quotas are met in any category, there is no chance that one state could reach the quota and close hunting while the others continue.

In addition, I talked with Idaho and they have committed to see if they need to go back to the commission to pass their MOA again or if these changes are allowed through their "minor edit allowance." I will let you know if I hear more about their process but it looks like they are willing to go back to their commission if needed.

I hope this is helpful. I will be in the office until 4 today and then out until tomorrow. Give me a call if you have further questions.

Thanks,

Becky

Rebecca J. Dockter

Chief Legal Counsel

Montana Fish, Wildlife & Parks

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Tyson Powell

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New telephone number: 303-445-0629

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