

Gray = original amendments from proposal notice

Yellow = New amendments based on public comment and further legal review

12.9.804 GAME DAMAGE HUNTS (1) Damage hunts are carried out according to the following policies and procedures:

(a) during the season-setting process, the department requests that the commission tentatively approve a specified number of antlerless deer, antlerless elk, and doe/fawn antelope licenses for potential game damage occurring between August 15 and February 15; and

(b) if the regional supervisor determines that a damage hunt is necessary before, during, or after the general hunting season, the regional supervisor must obtain approval of the commissioner in whose district the game damage hunt is proposed prior to implementing the hunt. If the commissioner is not available, then the regional supervisor may request approval from the ~~chairman~~ chair of the commission or, in ~~his~~ the chair's absence, any other commissioner.

(2) The following conditions apply to game damage hunts:

(a) damage hunts may only occur between August 15 and February 15;

(b) damage hunts may be authorized when there are enough animals involved on the landowner's property to justify the use of public hunting, but numbers of animals and size of affected area does not qualify for implementation of a management season hunt, as outlined in ARM 12.9.1101;

(c) damage hunts may be authorized when hunting will occur only on property where public hunting during the general season qualifies the property for game damage assistance under 87-1-225 , MCA, and ARM 12.9.803 and on approved adjacent or nearby legally-accessible state or federal land;

(d) damage hunts may be authorized when the game damage is a recurring problem and animals causing the problem are normally unavailable during the general hunting season;

(e) a game damage hunt roster must be established in accordance with ARM 12.9.804A for use in identifying some or all of the hunters eligible to participate in game damage hunts. ~~If sufficient~~ Eligible hunters ~~cannot~~ may be identified through the game damage hunt roster, or the department may identify eligible hunters through other established means of hunter selection, including first-come, first-served advertised opportunities, ~~and unsuccessful special~~ license or permit applicant lists, or lists of names supplied by landowners;

(f) If the department determines that it may be effective in helping achieve the objectives of the hunt, the department may request a list of names supplied by a landowner to use in addition to selecting hunters from the hunt roster or other established means of hunter selection.

(g) If the department chooses to use a list of names supplied by a landowner, no more than 25% of the total number of hunters authorized to participate in the hunt may come from the list;

(f)(h) unless stated otherwise, participants in a damage hunt shall possess a valid unused license, permit, or damage hunt license or permit for the species being hunted;

(g)(i) a person who is contacted by the department for the purpose of a damage hunt may waive the opportunity to participate, but may not be considered again until all other interested persons have been contacted;

(h)(j) any weapons restrictions or area closures that apply during general hunting seasons to areas included in game damage hunts will also apply to hunting conducted during game damage hunts in those same areas; and

(i)(k) damage hunts may include the harvest of male and female game animals.

(l) if harvest of antlered animals is authorized, lists of names supplied by landowners shall not be an authorized means of hunter selection.

AUTH: 87-1-225, MCA

IMP: 87-1-225, MCA

12.9.804A GAME DAMAGE HUNT ROSTER (1) A game damage hunt roster will be used to provide a list of some or all of the hunters available to participate in game damage hunts and management seasons hunts, according to the following procedures:

(a) hunters interested in participating in game damage hunts and management hunts seasons will apply through the department web site between June 15 and July 15 dates specified by the department annually. Hunters without internet access may apply at any department regional or Helena office. A roster will be established through a computerized random selection of applicant names, with roster results being made available online by August 1 a date specified by the department annually. Hunters without internet access may apply at any department regional or Helena office between June 15 and July 15 annually. If necessary, the department may establish additional sign-up periods;

(b) hunters may apply only for one antelope hunting district, one deer hunting district, and one elk hunting district;

(c) resident and nonresident hunters must possess a valid unused antelope, deer, or elk license or permit specific to the species being hunted to participate in a game damage hunt or management season hunt; and

(d) nonresident hunters who possess a valid unused antelope, deer, or elk license may comprise up to 10% of the total game damage hunt roster pool of hunters for a specific game damage hunt or management season hunt.

(2) If sufficient numbers of hunters to participate in a game damage hunt or management season hunt for a hunting district cannot be identified from that district's game damage hunt roster, hunters on the roster from an adjacent hunting district may be selected.

(3) The department may also identify eligible hunters through other established means of hunter selection, including first-come, first-served advertised opportunities, unsuccessful special license or permit applicant lists, or lists of names supplied by landowners.

AUTH: 87-1-225, MCA

IMP: 87-1-225, MCA

12.9.805 SUPPLEMENTAL GAME DAMAGE LICENSES (1) To assist landowners who qualify for game damage assistance under the provisions of 87-1-225, MCA, the department, through the regional supervisor or designated staff, has the discretion to issue supplemental game damage licenses for antlerless animals to hunters ~~for game management purposes or~~ as an alternative to a kill permit being issued to a landowner. Criteria used to determine when to issue a supplemental game damage license ~~may will~~ include, but are not limited to, the following:

- (a) the number of animals to be killed does not exceed 12;
- (b) the animals causing the damage are present on the property during legal hunting hours;
- (c) the circumstances make a game damage hunt under ARM 12.9.801 impractical;
- (d) hunting is likely to be an effective way to remove animals causing damage;
- (e) damage to be addressed occurs between August 15 and February 15, in accordance with ARM 12.9.801(1);
- (f) each hunter will have sufficient opportunity to utilize licenses; and
- (g) proposed harvest is consistent with regional wildlife management objectives.

(2) The department will specify the number of licenses to be issued, the species to be hunted, the time period in which the license may be lawfully used, and the property where the licenses may be used. The time period for which a supplemental game damage license is issued may be extended by the department. If continued damage requires harvest of additional animals, the department may issue additional supplemental game damage licenses upon approval by the regional supervisor.

(3) When the department authorizes the use of a supplemental game damage license, the landowner experiencing the game damage, subject to the provisions of 87-2-520, MCA, may designate some or all of the resident hunters to receive the supplemental game damage licenses by mailing or delivering in person a list of names with associated mailing addresses and phone numbers on a signed form provided by the department, to the department regional office, local biologist, or local game warden in the region where the game damage is occurring.

(4) When the department must designate resident or nonresident supplemental game damage license recipients, selection will be made using procedures defined in ARM ~~12.9.801(1)(b)(ii) through (iv)~~ 12.9.804A.

~~(5) In order to receive an elk supplemental game damage license, a hunter must surrender return for refund to the department any unused valid A9/B12 antlerless elk license and special elk permit, if applicable, prior to the supplemental elk game damage license being issued.~~

~~(a) If the hunter surrenders to the department an unused valid elk license, there will be no charge for the elk supplemental game damage license and no refund will be issued for the surrendered license and permit. If the hunter has not purchased an elk license, The price of the supplemental game damage license will be the regular license price of an A9/B12 antlerless elk license or an adjusted price set by the commission; and.~~

~~(b) The department may only issue an elk supplemental game damage license to a nonresident who holds and surrenders a valid, unused B-10 elk license and special~~

elk permit, if applicable. The department will not charge for the elk supplemental game damage license and no refund will be issued for the surrendered license and permit.

(6)(5) Hunters hunting with supplemental game damage licenses are subject to Montana hunting laws and regulations.

(7)(6) Regional supervisor will notify the commissioner in whose district damage is occurring whenever supplemental game damage licenses are authorized for issuance.

AUTH: 87-2-520, MCA

IMP: 87-2-520, MCA

12.9.1101 MANAGEMENT SEASONS HUNTS (1) A management season hunt may be implemented on lands eligible for assistance. A management season hunt is a proactive measure to prevent or reduce potential damage caused by large concentrations of game animals resulting from seasonal migrations, extreme weather conditions, restrictive public hunting access on adjacent or nearby properties, or other factors. The department shall make determinations of eligibility based on the criteria set out in this rule. To qualify for a management season hunt, a landowner must allow public hunting or not significantly reduce public hunting through imposed restrictions during established hunting seasons, including the general big game season. For eligibility, public hunting must be allowed at levels and in ways sufficient to effectively aid in management of area game populations. Restrictions that may significantly restrict public hunting include:

- (a) species or sex of animals hunters are allowed to hunt;
- (b) portion of land open to hunting;
- (c) time period land is open to hunting;
- (d) fees charged; and
- (e) other restrictions that render harvestable animals inaccessible.

(2) ~~Upon receiving conditional approval from the director to proceed with a management season proposal, If the regional supervisor determines that a management hunt is necessary before, during, or after the general hunting season, the regional supervisor must obtain the approval of the commissioner in whose district the management season hunt is proposed prior to implementing the season hunt. If the commissioner is not available, then the regional supervisor may request must obtain approval ~~will be requested from the chairman from the chair~~ of the commission, or in ~~his/her the chair's~~ absence, any other commissioner.~~

(3) Management seasons hunts may be implemented under the following conditions:

- (a) hunting occurs during the time period August 15 through February 15;
- (b) the season hunt will provide for dispersal and limited harvest of animals;
- (c) hunting may include opportunities for specified numbers of hunters to harvest either-sex and antlerless game animals;
- (d) size of affected area and number of animals exceeds that which can be more appropriately addressed through game damage measures outlined in ARM 12.9.802;
- (e) hunting will occur only on lands eligible for assistance under (1) and approved legally-accessible state or federal land; and

(f) any weapons restrictions and area closures that apply during general hunting seasons to areas included in management ~~seasons hunts~~ will also apply to hunting conducted during management ~~seasons hunts~~ in those same areas.

(4) ~~Hunters~~ Some or all hunters eligible to hunt during a management ~~season~~ will hunt may be selected from the game damage hunt roster under procedures outlined in ARM 12.9.804A. ~~If sufficient numbers of hunters cannot be identified through use of the game damage hunt roster,~~ The department may also use other established means of hunter selection, including first-come, first-served advertised opportunities, ~~and~~ unsuccessful special license or permit applicant lists, or lists of names supplied by landowners.

(5) If the department determines that it may be effective in helping achieve the objectives of the hunt, the department may request a list of names supplied by a landowner to use in addition to selecting hunters from the hunt roster or other established means of hunter selection.

(6) If the department chooses to use a list of names supplied by a landowner, no more than 25% of the total number of hunters authorized to participate in the hunt may come from the list.

(7) If antlered animals are authorized for harvest, lists of names supplied by landowners shall not be an authorized means of hunter selection.