



Montana Legislative Services Division

Legal Services Office

TO: Environmental Quality Council
FROM: Helen Thigpen, Staff Attorney
DATE: December 6, 2011
RE: Legislative Administrative Rule Review Report

Pursuant to 75-1-324 and 5-5-215, MCA, the Environmental Quality Council is responsible for reviewing administrative rules within its jurisdiction. Staff for the Environmental Quality Council has prepared this report for informational purposes only. This report does not represent any action or opinion of the Environmental Quality Council and does not preclude additional action that may be taken by the Environmental Quality Council pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

MAR NOTICE NUMBER:

12-373

AGENCY/BOARD:

Fish, Wildlife, and Parks Commission

RULE CLASSIFICATION: (e.g., substantive/interpretative/emergency/temporary)

Substantive

SUBJECT:

Taking, possessing, and transporting raptors for falconry.

NOTICE DESCRIPTION: (e.g., proposal notice/adoption notice)

Notice of Proposed Amendment and Adoption

SUMMARY OF RULE(S):

The Commission is proposing to amend and adopt rules regarding the taking, possession, and transportation of raptors for falconry. The proposed revisions and rule are in response to Senate Bill No. 92 (2011), which allows nonresidents to capture raptors. The proposed amendments to ARM 16.6.1112, allow resident falconers to take two raptors from the wild each year. Nonresident falconers must possess a permit. The Commission is also proposing to amend the number of days by which a permittee may take, purchase or otherwise acquire or dispose of a raptor from 5 days to 10 days. Proposed New Rule I authorizes three take permits, available through a drawing, for each species of raptor for

nonresidents. Under the proposal for nonresidents, the permit application fee is \$5 and the permit fee is \$200.

NOTES: (e.g., hearing dates)

No public hearing is contemplated at this time, but one may be held if certain numbers of persons directly affected by the proposal make a request. Comments must be received by 5 p.m. on December 20, 2011.

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