



ADMINISTRATIVE RULES OF MONTANA



12.9.1302 DEFINITIONS

The following definitions apply to this subchapter:

- (1) "Adaptive management" means wolf conservation and management strategies that will maintain a recovered population and ensure natural connectivity and genetic exchange among the wolf populations in Canada, Montana, Idaho, and Wyoming. It establishes resource objectives such as maintenance of a recovered population; it monitors progress towards meeting those objectives; and it adjusts management decisions to meet these resource objectives. Adaptive management directs selection of more conservative or liberal management tools, accordingly. Adaptive management allows the department a full range of tools to ensure a recovered and connected population.
- (2) "Agency" means the Department of Fish, Wildlife and Parks or another agency of government authorized by the Department of Fish, Wildlife and Parks through an interagency cooperative agreement.
- (3) "Attacking" means the actual biting, wounding, or grasping of livestock or domestic dogs.
- (4) "Breeding pair" means an adult male and an adult female wolf with at least two pups on December 31 as referenced in the Montana Gray Wolf Conservation and Management Plan.
- (5) "Confirms", "confirmed", or "confirmation" means an incident where the department or USDA Wildlife Services determines through a field investigation of dead or injured livestock that there is reasonable physical evidence that the animal was actually attacked and/or killed by a wolf. The primary confirmation would ordinarily be the presence of bite marks and associated subcutaneous hemorrhaging and tissue damage, indicating that the attack occurred while the victim was alive, as opposed to simply feeding on an already dead animal. Spacing between canine tooth punctures, feeding pattern on the carcass, fresh tracks, scat, hairs rubbed off on fences or brush, and/or eye witness accounts of the attack may help identify the specific species or individual responsible for the depredation. Predation might also be confirmed in the absence of bite marks and associated hemorrhaging (i.e., if much of the carcass has already been consumed by the predator or scavengers) if there is other physical evidence to confirm predation on the live animal. This might include blood spilled or sprayed at a nearby attack site or other evidence of an attack or struggle. There may also be nearby remains of other victims for which there is still sufficient evidence to confirm predation, allowing reasonable inference of confirmed predation on the animal that has been largely consumed.
- (6) "Habituated" means readily visible in close proximity to people or structures on a regular basis; not threatened by close proximity and may even be attracted to human presence or human food

sources; extremely rare behavior in wild wolves, but typical behavior for released captive wolf or wolf-dog hybrid; for wolves, may or may not involve food conditioning.

- (7) "Intentional harassment" means the deliberate and preplanned harassment of a wolf by less than lethal munitions, including but not limited to, 12 gauge shot gun rubber bullets and bean bag shells, that are designed to cause physical discomfort and temporary physical injury but not death. Intentional harassment may also include other devices intended to make noise such as 12 gauge shot gun cracker shells, RAGG boxes, propane cannons, or sirens.
- (8) "Lethal control" means killing a wolf except for hunting or trapping by the public as authorized by the commission as part of a regulated public harvest.
- (9) "Livestock" means bison as defined in 81-1-101, MCA, cattle, calf, hog, pig, horse, mule, sheep, lamb, llama, goat, herding or guarding animals, rhea, emu, ostrich, donkey, and certain breeds of dogs commonly used for herding or guarding livestock.
- (10) "Nonlethal control" means actions intended to decrease the risk of conflict that does not injure or kill a wolf.
- (11) "Opportunistic hazing in a noninjurious manner" means harassment, without the conduct of prior purposeful actions, such as yelling and radio activated noise makers, or use of firearms to scare or discourage a wolf in a way that does not injure or kill the wolf.
- (12) "Potential threat" means those wolves in immediate proximity to human dwellings, livestock, or domestic dogs.
- (13) "Problem wolf" means a wolf that has been confirmed by the department or USDA Wildlife Services to have attacked or been in the act of attacking livestock within the past 45 days.
- (14) "Threatening to kill" means the actual chasing, testing, molesting, harassing of livestock or livestock herding/guarding animals that would indicate to a reasonable person that an attack was imminent.
- (15) "USDA Wildlife Services" means the Wildlife Services Division of the United States Department of Agriculture, Animal and Plant Health Inspection Service.

Authorizing statute(s): 87-1-201, 87-1-301, 87-5-105, 87-5-110, 87-5-131, MCA

Implementing statute(s): 87-1-201, 87-1-301, 87-5-102, 87-5-103, 87-5-104, 87-5-105, 87-5-108, 87-5-131, MCA

History: NEW, 2008 MAR p. 2165, Eff. 10/10/08; AMD, 2014 MAR p. 843, Eff. 4/25/14.