



ADMINISTRATIVE RULES OF MONTANA



12.6.1538 EGRESS AND INGRESS

- (1) The department or any peace officer may seize, capture, or destroy escaped game farm animals pursuant to the terms of this rule.
- (2) The licensee shall report to the department and the Department of Livestock all escapes of game farm animals and all ingress of game animals (including all ingress of mountain lions and bears) and the reasons for such escapes and ingress. The licensee shall report each escape and ingress immediately by telephone to the department and the Department of Livestock and shall file a written report with both departments within ten days of discovery or notice of the escape or ingress. The licensee shall submit the written reports on forms provided by the department and completed and signed by the licensee. Ingress of animals other than game animals requires no notification.
- (3) The licensee shall make every reasonable effort to recapture or destroy escaped game farm animals within the following time periods from the date of discovery or notice of the escape:
 - (a) 48 hours for males during the breeding seasons specified below:
 - (i) pronghorn antelope - August through September;
 - (ii) black bear - May through July;
 - (iii) caribou/reindeer - September through October;
 - (iv) elk - September through November;
 - (v) mountain lion - year-round;
 - (vi) mountain sheep - November through December;
 - (vii) mule deer - November through December;
 - (viii) whitetail deer - November through December;
 - (ix) mountain goat - October through December;
 - (b) 24 hours if the game farm or animal is under Department of Livestock quarantine, except that diseased escaped animals may be destroyed on sight; or
 - (c) five days if the preceding conditions do not exist, unless the licensee and the department agree to a different period.
- (4) The licensee shall notify the department and the Department of Livestock immediately of the recapture or death of an escaped animal and, upon the request of either department, shall hold the animal for inspection before returning it to the game farm.

- (5) The department will make reasonable efforts to notify area game farmers of unreported, escaped game farm animals if local department officials observe or receive reports thereof. The department will attempt to use nonlethal means to capture and identify such animals, when observed in the vicinity of a game farm, except that the department may immediately destroy any such animals that pose a risk to wildlife or to public health or safety. The department may, without notification to area game farmers, use lethal means to control unreported, escaped game farm animals not in the vicinity of a game farm.
- (6) Pursuant to 87-4-419 , MCA, a game farm animal becomes the property of the state following the time frames specified in (3).
- (7) When a licensee can identify the reason for an ingress or egress the licensee shall take immediate site-specific action to maintain the fence in a game proof condition and prevent future ingress or egress.
- (8) The department may seize, capture or destroy game animals that have entered the game farm. The licensee may request that the department conduct disease testing of ingressed game animals at the licensee's expense.

Authorizing statute(s): 87-4-419, 87-4-422, MCA

Implementing statute(s): 87-4-419, MCA

History: NEW, 1999 MAR p. 79, Eff. 1/15/99.