

Montana FWP Legal Violations List Concerning Elk Brucellosis Management

Title 87 -1-301 (J) FWP Commissioners requirements

shall comply with, adopt policies that comply with, and ensure the department implements in each region the provisions of state wildlife management plans adopted **following an environmental review** conducted pursuant to Title 75, chapter 1, parts 1 through 3. (Last Statewide Elk Management Plan 2004)

Title 75 - 1, parts 1-3 environmental review Title 75, chapter 1, parts 1-3 MEPA

Montana Environmental Policy Act

MCA 87-1-323 Management of viable elk populations based on habitat acreage, not brucellosis management.

Montana Legislative Services Division - Legal Services Office, Legislative Inquiry into the MT Elk Management In Areas With Brucellosis finding - "**Based on a review of the foregoing information, it appears that there is no specific reference in the Montana Code Annotated regarding the Department's authority to manage elk for purposes of reducing or preventing the transmission of brucellosis between elk and livestock.**" Dec. 6, 2013

Violations Involving Elk Brucellosis Management

MCA 2-3-101-107 Public Meeting Access obstructed, no public notice of local working groups, Feb. 15th and April 22nd meetings.

MCA 2-3-212 - Minutes of meetings -- public inspection, none created for the local working groups which were named and organized.

MCA 2-6-102, Constitution of Montana Article II Declaration of Rights, Section 9 Right to know – May 3rd Information Request obstructed and delayed by Helena, prompting a follow up request on June 14, 2013, which has never been replied to by FWP Dir. Jeff Hagener, nor was all the information requested provided by Quentin Kujala. I have had to manually go through Region 3 office for part of my documentation, which they have provided.

MCA 87-1-225 Game Damage no public hunter access required for fencing, hazing, hunts or kill permits. They are calling these Elk Brucellosis Management, not Game Damage, but using all Game Damage Forms, which do require public hunter access for actions.

ARM 12.9.804 Game Damage Hunts - damage hunts may only occur between August 15 and February 15. Elk Brucellosis Management conducted dispersal hunts after Feb. 15th.

ARM 12.9.804A Hunt Roster Regulation, not followed or provided per my information request.

ARM 12.9.802 Kill permits issued after other measures attempted - Kill permits did not follow procedure and paper trail.