



PetAlert

THE PET INDUSTRY'S UNIFIED VOICE

January 8, 2010
(MT Hermit Crab/Frog Regs)

MONTANA PROPOSES HERMIT CRABS AND TWO FROGS AS NONCONTROLLED SPECIES

**** Hearing To Be Held On Jan. 14th ****

***** Comment Deadline Jan. 21st *****

The Impact.

The Montana Fish, Wildlife & Parks Commission has announced that it will hold a public hearing on **January 14, 2010**, at 6 p.m., to discuss amending current rules by adding three species of exotic wildlife, including hermit crabs, to the list of noncontrolled species.

The Issue.

At the aforementioned hearing, the Commission will discuss a proposed rulemaking that would amend the exotic wildlife list of noncontrolled species to include the **Eritrea clawed frog, Cameroon volcano frog and the Terrestrial hermit crab**. For a species to be placed on the noncontrolled list means that a classification review committee has evaluated and concluded that the species poses a minimal threat to Montana's native wildlife or plant species, livestock, horticulture, forestry, agriculture production, or human health and safety.

Recommended Action.

If this is matter that concerns you or your business we urge you to attend this meeting or submit comments to the commission. A copy of the hearing notice can be found attached to the online version of this PetAlert on the 'Breaking News' page of the PIJAC website (<http://www.pijac.org/petinformation/breakingnews.asp>).

If you have further questions please feel free to contact PIJAC's Bambi Nicole Osborne by phone at 202-452-1525 or via email at bambi@pijac.org.

Written Comments:

Written comments may be submitted to FWP Exotics, Fisheries, P.O. Box 200701, Helena, MT 59620-0701, fax: 406-444-4952, or email: fwpexotics@mt.gov. All comments must be received no later than **January 21, 2010**.

Public Hearing:

The hearing will be held **January 14, 2010**, at 6:00 p.m., at the Fish, Wildlife & Parks Headquarters, 1420 East 6th Ave., Helena, Montana.



PET INDUSTRY JOINT ADVISORY COUNCIL (PIJAC)
1220 19th Street, NW, Suite 400, Washington, DC 20036
Phone 202-452-1525, 800-553-PETS, Fax 202-293-4377

MT 5579 2009 CITATION: ARM 12.6.2205
AGENCY: Department of Fish, Wildlife and Parks
VERSION: Proposed Rule
VERSION DATE: 12/14/2009

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM 12.6.2205 regarding noncontrolled species

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On January 14, 2010 at 6:00 p.m. the commission will hold a public hearing at the Fish, Wildlife and Parks Headquarter offices located at 1420 East 6th Avenue, Helena, Montana to consider the amendment of the above-stated rule.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, please contact the commission no later than January 9, 2010, to advise us of the nature of the accommodation that you need. Please contact Jessica Fitzpatrick, Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; e-mail jfitzpatrick@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

12.6.2205 EXOTIC WILDLIFE: LIST OF NONCONTROLLED SPECIES

(1) remains the same.

(2) The following amphibians are classified as noncontrolled species:

(a) Hyperoliidae family; ~~and~~

(b) Leptodactylidae family;

(c) Eritrea clawed frog - *Xenopus clivii*; and

(d) Cameroon volcano frog - *Xenopus amieti*.

(3) remains the same.

(4) The following crustaceans are classified as noncontrolled species:

(a) Terrestrial hermit crabs - *Coenobita sp.*

AUTH: 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-707, 87-5-708, 87-5-711, 87-5-712, MCA

4. The 2003 Legislature passed SB 442 granting the commission authority to adopt rules regarding the importation, possession, and sale of exotic wildlife through the operation of a "classification review committee" (committee). The intent of SB 442 was to protect Montana's native wildlife and plant species, livestock, horticultural, forestry, agricultural production, and human health and safety from the harmful effects of unregulated exotic animals.

The function of the committee created by SB 442 is to recommend classification of individual exotic animal species to the commission. The committee may recommend that a species be classified as noncontrolled, controlled, or prohibited for importation, possession, and sale. If the commission approves the committee's recommendations, the commission begins administrative rulemaking to incorporate the recommendations into these classification lists: noncontrolled species, controlled species, and prohibited species.

The purpose of this rulemaking is to implement the recommendations of the committee and to increase the clarity of the existing rule through minor editing changes.

The committee recommended the addition of three species of exotic wildlife to the list of noncontrolled species. These additions made revisions to ARM 12.6.2205 necessary. After evaluating these species the committee found that they pose a minimal threat to Montana's native wildlife or plant species, livestock, horticultural, forestry, agricultural production, or human health and safety.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: FWP Exotics, Fisheries, P.O. Box 200701, Helena, MT 59620-0701, fax (406) 444-4952, or e-mail them to fwpexotics@mt.gov. Any comments must be received no later than January 21, 2010.

6. Eileen Ryce or another hearings officer appointed by the department has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife, and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Shane Colton
Shane Colton
Chairman
Fish, Wildlife and Parks Commission

/s/ Bill Schenk
Bill Schenk
Rule Reviewer
Department of Fish, Wildlife and Parks

Certified to the Secretary of State December 14, 2009