

1 SENATE BILL NO. 348

2 INTRODUCED BY DEBBY BARRETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE FUNDING OF WOLF MANAGEMENT;
5 AUTHORIZING THE USE OF STATE FUNDS FOR COLLARING AND CONTROL OF WOLVES; AMENDING
6 SECTION 87-5-132, MCA; AND PROVIDING AN EFFECTIVE DATE."

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8 WHEREAS, the gray wolf was listed as an endangered species under the Endangered Species Act (ESA)
9 in 1973; and

10 WHEREAS, gray wolves were reintroduced in Yellowstone National Park and central Idaho in 1995 and
11 1996 by the United States Fish and Wildlife Service (USFWS) to speed up recovery of the gray wolf population
12 in the Northern Rocky Mountain region; and

13 WHEREAS, the biological requirement established by the USFWS for the recovery of the gray wolf
14 population in the Northern Rocky Mountains is a minimum of 30 breeding pairs and 300 wolves in Montana,
15 Idaho, and Wyoming combined or effectively 10 breeding pairs and 100 wolves per state; and

16 WHEREAS, the USFWS approved the Montana Gray Wolf Conservation and Management Plan in
17 January 2004, under which Montana agreed to use adaptive management strategies to ensure its portion of the
18 biological recovery goal is met; and

19 WHEREAS, the gray wolf population in Montana, Idaho, and Wyoming achieved the biological
20 requirements of 30 breeding pairs and 300 wolves in 2002; and

21 WHEREAS, the most recent data available show that at the end of 2009, the estimated minimum number
22 of wolves in Montana was 524 wolves with an estimated minimum of 37 breeding pairs in Montana; and

23 WHEREAS, the final environmental impact statement prepared by the Montana Department of Fish,
24 Wildlife, and Parks (MDFWP) for the Montana Gray Wolf Conservation and Management Plan, submitted to the
25 USFWS in October 2003, estimated that MDFWP's required budget for the wolf management alternative that was
26 ultimately selected would be \$924,739 to \$1,062,399, of which 90% would be provided by the federal government
27 under Section 6 of the ESA and 10% would be the responsibility of Montana; and

28 WHEREAS, the 90%-10% cost share was never implemented because the USFWS allocated funding
29 directly to MDFWP rather than it being necessary for MDFWP to request funding under Section 6 of the ESA; and

30 WHEREAS, the USFWS allocated an average of \$573,000 annually to Montana for wolf management

1 under a 5-year contract that expired June 30, 2010; and

2 WHEREAS, that annual allocation was far below the estimate included in the final environmental impact
3 statement; and

4 WHEREAS, under MDFWP's new contract for July 1, 2010, through June 30, 2015, the USFWS allocates
5 only \$626,000 to Montana for the entire 5-year period.

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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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9 **Section 1.** Section 87-5-132, MCA, is amended to read:

10 **"87-5-132. Use of radio-tracking collars for monitoring wolf packs.** (1) As part of a wolf management
11 plan approved by the department, a radio-tracking collar or a collar that uses global positioning system technology
12 must be attached to at least one wolf in each wolf pack that is active near livestock or near a population center
13 in areas where depredations are chronic or likely.

14 (2) The department shall expend ~~only the state and federal funds for wolf management purposes~~ to fulfill
15 the requirements of this section.

16 (3) The department may collaborate and cooperate with other state and federal agencies to fulfill the
17 requirements of this section."

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19 **NEW SECTION. Section 2. Funding for wolf management.** (1) The department shall allocate ~~\$6,000~~
20 \$3,000 for every wolf estimated to inhabit Montana according to the department's annual wolf conservation and
21 management report for wolf management. Not more than 25% of the total funding allocated may be used for
22 administrative costs related to wolf management activities and reports, and the rest must be divided among and
23 used for the following purposes:

24 (a) wolf collaring conducted pursuant to 87-5-132;

25 (b) wolf control activities; and

26 (c) lethal action conducted pursuant to 87-1-217 to take problem wolves that attack livestock.

27 (2) Pursuant to 87-1-201, the department may allocate funds from any source to meet the requirements
28 of this section, including proceeds from the sale of land that the department is unable to adequately maintain or
29 operate.

30 (3) THE DEPARTMENT MAY CONTRACT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE WILDLIFE

1 SERVICES FOR THE PURPOSES OF THIS SECTION.

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3 NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an
4 integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6, apply to [section 2].

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6 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2011.

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