

1 SENATE BILL NO. 348

2 INTRODUCED BY DEBBY BARRETT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE FUNDING OF WOLF MANAGEMENT;
5 AUTHORIZING THE USE OF STATE FUNDS FOR COLLARING, ~~MONITORING,~~ AND CONTROL OF WOLVES;
6 ~~AMENDING SECTION 87-5-132, MCA;~~ AMENDING SECTION 87-5-132, MCA; AND PROVIDING AN
7 EFFECTIVE DATE."

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

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

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

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

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

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

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

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

1 WHEREAS, the USFWS allocated an average of \$573,000 annually to Montana for wolf management
2 under a 5-year contract that expired June 30, 2010; and

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

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

7

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

9

10 ~~Section 1. Section 87-5-132, MCA, is amended to read:~~

11 ~~"87-5-132. Use of radio-tracking collars for AND OTHER monitoring of wolf packs. (1) As part of a~~
12 ~~wolf management plan approved by the department, a radio-tracking collar or a collar that uses global positioning~~
13 ~~system technology must be attached to at least one wolf in each wolf pack that is THE DEPARTMENT SHALL~~
14 ~~IMPLEMENT A MONITORING SYSTEM THAT IS CAPABLE OF DETERMINING AND TRACING THE MOVEMENT AND POPULATION~~
15 ~~OF WOLF PACKS. THE SYSTEM MAY INCLUDE BUT IS NOT LIMITED TO THE COLLARING OF WOLVES. THE DEPARTMENT SHALL~~
16 ~~PLACE PRIORITY ON IMPLEMENTING THE SYSTEM FOR WOLF PACKS THAT ARE active near livestock or near a population~~
17 ~~center in areas where depredations are chronic or likely.~~

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

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

22

23 **SECTION 1. SECTION 87-5-132, MCA, IS AMENDED TO READ:**

24 **"87-5-132. Use of radio-tracking collars for monitoring wolf packs.** (1) As part of a wolf management
25 plan approved by the department, a radio-tracking collar or a collar that uses global positioning system technology
26 must be attached to at least one wolf in each wolf pack that is active near livestock or near a population center
27 in areas where depredations are chronic or likely.

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

30 (3) The department may collaborate and cooperate with other state and federal agencies to fulfill the

1 requirements of this section."

2

3 NEW SECTION. Section 2. Funding for wolf management. ~~(1) The department shall allocate \$6,000~~
 4 ~~\$3,000 for every wolf estimated to inhabit Montana according to the department's annual wolf conservation and~~
 5 ~~management report \$800,000 ANNUALLY for wolf management. Not more than 25% of the total funding allocated~~
 6 ~~may be used for administrative costs related to wolf management activities and reports, and the rest must be~~
 7 ~~divided among and used for the following purposes~~ FOR THE PURPOSES OF THIS SECTION, WOLF MANAGEMENT

8 INCLUDES BUT IS NOT LIMITED TO:

9 ~~_____ (a) wolf collaring conducted pursuant to 87-5-132;~~

10 ~~_____ (b) MONITORING OF WOLF PACKS AND WOLF POPULATIONS;~~

11 ~~_____ (b)(c) wolf control activities; and~~

12 ~~_____ (c)(d) lethal action conducted pursuant to 87-1-217 to take problem wolves that attack livestock;~~

13 ~~_____ (E) WORK WITH LIVESTOCK OWNERS TO PREVENT DEPREDAATION;~~

14 ~~_____ (f) RESEARCH ON WOLVES AND WOLF INTERACTION WITH UNGULATES; AND~~

15 ~~_____ (G) ADMINISTRATION OF WOLF HUNTING SEASONS. (1) THE DEPARTMENT SHALL ALLOCATE \$900,000 ANNUALLY~~
 16 ~~FOR WOLF MANAGEMENT.~~

17 (2) FOR THE PURPOSES OF THIS SECTION, THE TERM "MANAGEMENT" HAS THE SAME MEANING PROVIDED IN
 18 87-5-102 AND INCLUDES:

19 (A) WOLF COLLARING CONDUCTED PURSUANT TO 87-5-132; AND

20 (B) LETHAL ACTION CONDUCTED PURSUANT TO 87-1-217 TO TAKE PROBLEM WOLVES THAT ATTACK LIVESTOCK.

21 (3) NOT MORE THAN 25% OF THE TOTAL FUNDING ALLOCATED UNDER THIS SECTION MAY BE USED FOR
 22 ADMINISTRATIVE COSTS.

23 ~~(2)(4) Pursuant to 87-1-201, the department may allocate funds from any source to meet the~~
 24 ~~requirements of this section, including proceeds from the sale of land that the department is unable to adequately~~
 25 ~~maintain or operate.~~

26 ~~(3)(5) THE DEPARTMENT MAY CONTRACT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE WILDLIFE~~
 27 ~~SERVICES AND COUNTY GOVERNMENTS FOR SOME OF THE PURPOSES OF THIS SECTION.~~

28

29 NEW SECTION. SECTION 3. APPROPRIATION. (1) THE FOLLOWING MONEY IS APPROPRIATED TO THE
 30 DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM THE GENERAL LICENSE ACCOUNT FOR THE PURPOSES ESTABLISHED

1 IN [SECTION 1]:

2 FISCAL YEAR 2012 \$274,000

3 FISCAL YEAR 2013 \$274,000

4 (2) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM
5 FEDERAL FUNDS RECEIVED FROM THE UNITED STATES FISH AND WILDLIFE SERVICE FOR WOLF MANAGEMENT AND THE
6 PURPOSES ESTABLISHED IN [SECTION 1]:

7 FISCAL YEAR 2012 \$626,000

8 FISCAL YEAR 2013 \$626,000

9 (3) THE DEPARTMENT MAY NOT EXPEND MORE THAN 25% OF THE TOTAL APPROPRIATION IN EACH FISCAL YEAR
10 ON ADMINISTRATIVE COSTS.

11
12 NEW SECTION. Section 4. Codification instruction. ~~[Section 2]~~ ~~[SECTION 1]~~ ~~[SECTION 2]~~ is intended
13 to be codified as an integral part of Title 87, chapter 1, part 6, and the provisions of Title 87, chapter 1, part 6,
14 apply to ~~[section 2]~~ ~~[SECTION 1]~~ ~~[SECTION 2]~~.

15
16 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2011.

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