



NATIONAL WILDLIFE FEDERATION®

People and Nature: Our Future Is in the Balance

Northern Rockies Office

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Statement in opposition to HB 286

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In 2001 the legislature passed HB 492 creating the category of “non-game species in need of management” and putting prairie dogs into this category. This legislation was passed for a variety of reasons including:

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- This status was recommended by a group of stakeholders (state and federal agencies, private landowners, stockgrowers association, NGOs, and others) that had been meeting for 4 years to develop a Montana Prairie Dog Management Plan. This planning effort was initiated prior to the listing of prairie dogs as a candidate species in 1999.
- A change from a status of pest to one where state wildlife authorities would play a role in prairie dog management was recommended by the 11-state Prairie Dog Conservation Team of which Montana was a member.
- Prairie dogs were candidates for listing as a threatened species under the US Endangered Species Act and the legislature and most stakeholders wanted to avoid federal management of prairie dogs as a federally listed species.
- The law allowed professional management by the Montana Department of Fish, Wildlife and Parks of a species that scientists increasingly recognized was both important in its own right as well as to many other species (they are a “keystone species”). Some of these dependent species (e.g. black-footed ferrets, burrowing owls, and Mountain plovers) were already listed or were potentially listable under the ESA.
- HB 492 pertained only to federal lands and did not affect prairie dog management on private lands.
- The law was scheduled for automatic review in 2007
- Testimony in favor of the law was presented by the stockgrowers association, by private landowners, by hunting groups, by conservation organizations, and by all state and federal agencies with a stake in prairie dog management. Opposition testimony came from one prairie dog shooting group and a few private landowners.

Based on a change in only one of these items (prairie dogs are no longer designated as a candidate for listing), HB 286 proposes to repeal the 2001 law. The justification for HB 286 does not address any of the other reasons for passing HB 492 or specify any hardships imposed on Montanans by the designation of prairie dogs as a non-game

species in need of management. Neither does the bill provide a reason why state wildlife biologists should be precluded from managing prairie dogs as they do most other wildlife species.

The US Fish and Wildlife Service found that prairie dogs were "warranted" for listing in 1999 and in 2004 changed this status to "not warranted." One of the reasons cited for the original "warranted" finding was the "inadequacy of existing regulatory mechanisms" (one of the 5 criteria for listing, only one criterion suffices to list a species). During the 5 year period between the warranted and non-warranted finding, most states changed the status of prairie dogs from one of a "pest" species managed by state Departments of Agriculture to one of a non-game species with at least shared management authority by state wildlife authorities. These changes helped create the situation where prairie dogs had regulatory mechanisms deemed "adequate" by the Fish and Wildlife Service and these regulatory mechanisms, along with other factors, played a role in generating the "not warranted" finding in 2004. HB 492 made this legal status change for Montana.

Many conservation organizations, including the National Wildlife Federation, thought the not-warranted finding in 2004 was premature and poorly supported. The planning efforts ongoing in many states, including Montana, were still unsolidified and tentative. The improvement in prairie dog status in these states was similarly potentially transitory (HB 286 is evidence of this). If the states, including Montana, backslide on the commitments they made when the species was "warranted" it will increase the likelihood that at some time in the future prairie dog populations will revert to the declines that caused the Fish and Wildlife Service to originally declare the species as warranted for listing.

Montana needs to do more than ignore what needs to be done to properly manage its wildlife. Montana should not revert to managing native wildlife species as "pests" just because the immediate threat of a listing under the ESA has passed. Wildlife, including prairie dogs, deserves to be managed as important components of Montana's ecosystems regardless of whether they are in immediate danger of being listed.

Thank you for consideration of these comments.

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