



**MONTANA STATE SENATE  
2007 LEGISLATURE**

**VISITOR REGISTER**

**FISH AND GAME COMMITTEE**

DATE 3-15-07

BILLS BEING HEARD TODAY HB 613, 717, 759

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Bill Tiddy	475-3569	Self	613		X
Betty Tiddy	475-3569	self	613		X
Fred Easy	443 7656	self	613	X	
Arthur Habel	476-3408	SELF	613		X
Roger Chevalier	476-3729	SELF	613		X
MINA AN SERRADA	424-5057	NORTH <sup>SARU=TOOSE</sup> COUNTY	613		X
Mike Byrnes	822 2727	Mineral County SAR	759	X	
Mike Bedick	827-0218	Sanders County SAR	759	X	
Penny Cartwright	253-3574	mineral county SAR	759	X	
Terry Postle	246-5511	Sanders Co. SAR	759	X	
Larry Sickerson	431-5679	Self	613	X	
William Covey	227-5216	Self	613		X
JIM SM	3-0686	SHUXYS	759	<del>X</del>	X
Robert Crossell	459-6865	MTW. Wildlife Fed	613		X
Carmen Lene	654-2863	USFWS	717	X	
CHRIS SMITH	444.5621	FWP	613	X	
Chris Tweeter	1380	Campout admission	717	X	
Constance West	4-5886	KGW Opc	717	X	
Therese Wood	444-4360	MAGE	759	X	
Dan M. Gowen	841-3911	MT DOS	info - 759		

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**





# Montana Fish, Wildlife & Parks

P. O. Box 200701  
Helena, MT 59620-0701  
406-444-3186  
FAX:406-444-4952  
Ref:DO133-07  
March 14, 2007

Senate Fish and Game Committee  
Montana Legislature - Capitol Station  
Helena, MT 59620

Dear Senator:

I contacted Ed Bangs, U.S. Fish and Wildlife Service (FWS) Wolf Recovery Coordinator on March 14 to see if he agreed with my interpretation that House Bill 440, as amended, does not jeopardize the status of Montana's adequate regulatory mechanisms. His response is attached.

While his initial take, like mine, is that the bill probably would not undermine the adequacy of Montana's regulatory mechanisms, he raises an issue I had not considered. If HB 440 is passed and approved, the FWS would be required to re-examine our laws and plan and might have to re-open the public comment period after publishing a new finding. That could delay delisting, even if it did not prevent it.

This is a significant complication I had not considered prior to yesterday's hearing. Based on this potential complication, plus the fact that FWP can already do everything in Section 1 of HB 440, and has committed to continue to do everything we can to fulfill the intent of Section 2 of the bill, I would urge the committee to table HB 440 when you take executive action.

Again, I will reiterate FWP's commitment to ensure we are keeping counties and landowners fully informed about the status and distribution of wolves and learned this afternoon that we can modify the use of one of our current 800 phone numbers to include wolf sighting reports.

I apologize for not having this information available at the hearing, but believe it is important for the committee to consider the risk of passing HB 440.

Sincerely,

Christian A. Smith  
Chief of Staff

Enc.

c: Rep. Debbie Barrett

## Smith, Chris (FWP)

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**From:** Ed\_Bangs@fws.gov  
**Sent:** Wednesday, March 14, 2007 1:38 PM  
**To:** Smith, Chris (FWP)  
**Cc:** Julie\_Lyke@fws.gov; Seth\_Willey@fws.gov; Mitch\_King@fws.gov; Ron\_Refsnider@fws.gov  
**Subject:** RE: wolf maps

Chris- per your request I've looked over the house bill. I think this needs more than just my read so I'm asking within the USFWS for other perspectives. I didn't see anything that jumps right out after me, so by & large the bill seems fairly meaningless and I suspect that it won't not jeopardize MT's approved status, its current cooperative agreement, or its status under the 2005 10j rule. I am however a little concerned that Montana's plan may not longer be in full compliance with the effects of any 'new' law and MT's EIS may not have evaluated the potential effects of any new law. The bill does seem to suggest MT is about to change its management plan and the guidance in it- in some unknown & unanalyzed manner- ie. possibly removing entire packs? and consider such removal after a single depredation event? But, even that may not jeopardize MT 'approved' status.

However, the key to all this is ANY changes to state law or the state plan automatically **require** a re-analysis of Montana's regulatory framework by the USFWS to make sure it is still an adequate regulatory mechanism for ESA purposes. We have done and documented this process once before over the changes made to MT state law in 2005. Our commitment to monitoring the relationship between state laws and plans is a part of our litigation with WY over the relationship and consistency between their law and plan and our approval of ID's plan in 2004. We are now in a public comment period for delisting based upon our approval of the current MT law and mgt. plan [including the 2005 changes and our analysis of them]. We are currently asking for public comment and peer review of the existing MT law and plan and have provided web links to the existing MT plan as part of that peer review and public comment process. That public comment period ends May 9, 2007. Should the MT law and possibly your plan be changed from what was reviewed, I would be very concerned that the ongoing public review process [including the 6 hearings that have already been held] might no longer be considered valid. As we promised should WY develop a new law and plan- we will seek additional public comment and possibly peer review before making any final decision regarding delisting in WY- that same logic applies to all other states. I think that could mean the current delisting proposal might have to be withdrawn for MT and the entire process would have to start over- once MT figures out how it really intends to manage wolves. This exact review process could also effect ID, where a ballot initiative is being considered for 2008 that would change state law and might require all wolves in the state to be removed. Obviously if such a thing became law the USFWS would have to re-evaluate whether delisting was warranted. I'll ask our process folks if that's their read- but I think changing MT law during an active federal public comment period is asking for litigation over the legally mandated process for delisting. If I find out anything differently I'll let you know. ed

"Smith, Chris (FWP)" <crsmith@mt.gov>

To <Ed\_Bangs@fws.gov>

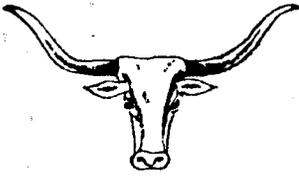
cc

03/14/2007 12:31 PM

Subject RE: wolf maps

Thanks for the powerpoint. Can you do me a quick favor? Take a look at the revised language in HB 440 (here's a link: <http://data.opi.mt.gov/bills/2007/billpdf/HB0440.pdf>) and let me know if you have any concerns about this causing the FWS to have to reconsider the adequacy of MT's regulatory mechanisms? I don't think it does, but would appreciate your view.

3/14/2007



# Montana Stockgrowers Association

Serving Montana's Cattle Industry Since 1884

420 N. California  
Helena, MT 59601  
Phone: 406/442-3420  
Fax: 406/449-5105  
[mga@mtbeef.org](mailto:mga@mtbeef.org)

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March 14, 2007

Dear Members of the Senate Fish and Game Committee:

Yesterday I provided testimony on HB 364 (Establish a board and fund to compensate livestock owners for wolf predation). During my testimony, I was not accurate in some of the facts I presented. I stated that Defenders of Wildlife had paid out close to \$300,000 in compensation last year. In 2006, Defenders had set a record in compensation payments, but the amount was \$154,000 for their entire program. There was \$148,000 paid out in the Northern Rockies states of Montana, Idaho and Wyoming.

On behalf of the Montana Stockgrowers Association, and myself, I apologize for the inaccuracy. I felt it was necessary to immediately provide you with the correct information.

Sincerely,

Jay Bodner

Montana Stockgrowers Association

## DEFENDERS OF WILDLIFE COMPENSATION PAYMENTS

### Year 2000 Payments for MT

February 2000 - 1 livestock guarding dog	Paradise Valley, MT (GYE)	\$500.00
March 2000 - 2 heifers (1 confirmed, 1 injured)	Pray, MT (GYE)	\$1,388.00
June 2000 - 1 cow	Marion, MT (MT)	\$750.00
June 2000 - 1 calf	Emigrant, MT (GYE)	\$540.00
June 2000 - 1 calf	Lincoln, MT (MT)	\$600.00
June 2000 - 1 calf (confirmed), 1 steer (injured)	Emigrant, MT (GYE)	\$650.00
July 2000 - 1 calf	Eureka, MT (MT)	\$576.00
August 2000 - 1 livestock guarding dog	Emigrant, MT (GYE)	\$500.00
November 2000 - 1 calf	Marion, MT (MT)	\$547.00
December 2000 - 2 steers	Deer Lodge, MT (MT)	\$1,134.00
December 2000 - 5 sheep	Gold Creek, MT (MT)	\$750.00
<b>Total</b>		<b>\$7935</b>

### Year 2001 Payments for MT

February 2001 - 2 cattle	Browning, MT (MT)	\$1,175.00
March 2001 - 1 cow	Augusta, MT (MT)	\$629.00
May 2001 - 1 calf	Emigrant, MT (GYE)	\$495.00
July 2001 - 1 calf	Emigrant, MT (GYE)	\$690.00
July 2001 - 1 cow	Eureka, MT (MT)	\$1,000.00
August 2001 - 3 calves	Augusta, MT (MT)	\$1,800.00
September 2001 - 2 ewes	Livingston, MT (GYE)	\$500.00
October 2001 - 6 rams, 56 ewes, and 42 lambs	Dillon, MT (GYE)	\$7,360.00
October 2001 - 1 bull calf	Augusta, MT (MT)	\$1,400.00
October 2001 - 1 calf (probable), 1 cow (injury confirmed)	Marion, MT (MT)	\$1,025.00
December 2001 - 1 calf	Harrison, MT (GYE)	\$1,500.00
<b>Total</b>		<b>\$17,574</b>

### Year 2002 Payments for MT

February 2002 - 1 calf	Gardiner, MT	\$1,500.00
March 2002 -	Huson, MT (MT)	\$450.00

4 pregnant ewes, 1 pregnant ewe (probable)		
March 2002 -	Dillon, MT (GYE)	\$2,400.00
15 ewes, 4 bucks (sheep)		
April 2002 -	Harrison, MT (GYE)	\$1,750.00
3 calves (probable)		
May 2002 -	Huson, MT (MT)	\$2,250.00
3 llamas		
May 2002 -	Cascade, MT (GYE)	\$4,575.00
19 sheep		
May 2002 -	Butte, MT (GYE)	\$450.00
1 calf		
June 2002 -	Whitehall, MT (GYE)	\$525.00
1 calf		
July 2002 -	Huson, MT (MT)	\$800.00
1 llama		
July 2002-	Avon, MT (MT)	\$450.00
2 calves (probable)		
July 2002 -	Pray, MT (GYE)	\$1,448.46
1 calf (confirmed), 1 calf (probable), 1 cow (probable)		
July 2002 -	Huson, MT (MT)	\$1,068.50
Veterinary expenses for llama		
August 2002 -	Dillon, MT (GYE)	\$2,721.40
33 sheep killed, 1 sheep injured		
August 2002 -	Livingston, MT (GYE)	\$500.00
1 calf		
October 2002 -	Deer Lodge, MT (MT)	\$2,450.00
5 calves		
October 2002 -	Red Lodge, MT (GYE)	\$450.00
1 calf		
October 2002 -	Eureka, MT (MT)	\$1,250.00
1 cow, 1 calf		
November 2002 -	Avon, MT (MT)	\$450.00
2 calves (probable)		
November 2002 -	Eureka, MT (MT)	\$675.00
2 calves (probable), 1 calf (confirmed)		
December 2002 -	Livingston, MT (GYE)	\$1,750.00
1 buck, 15 ewes		
December 2002 -	Deer Lodge, MT (GYE)	\$615.00
1 calf		
December 2002 -	Livingston, MT (GYE)	\$593.56
1 calf		
<b>Total</b>		<b>\$29,121.92</b>

### Year 2003 Payments for MT

January 2003 -	Elliston, MT (MT)	\$1,500.00
1 bull		
February 2003 -	Belfry, MT (MT)	\$800.00
1 cow		
February 2003 -	Canyon Creek (MT)	\$600.00
1 calf		
February 2003 -	Dillon, MT (GYE)	\$500.00
1 calf		
March 2003 -	Livingston, MT (GYE)	\$732.00
3 ewes, 6 lambs		
April 2003 -	Hot Springs, MT (MT)	\$1,200.00
1 cow (confirmed), 1 cow (probable)		
May 2003 -	Avon, MT (MT)	\$170.00
1 buck (confirmed)		
May 2003 -	Cameron, MT (GYE)	\$2,413.61
1 mule		
June 2003 -	Avon, MT (MT)	\$1,100.00

2 calves		
June 2003 -	Dillon, MT (GYE)	\$3,000.00
20 ewes (confirmed), 12 ewes (probable)		
July 2003 -	Avon, MT (MT)	\$1,000.00
1 near term cow		
September 2003 -	Harrison, MT (GYE)	\$530.00
3 ewes, 2 lambs		
October 2003 -	Fishtail, MT (GYE)	\$1,892.00
22 lambs		
October 2003 -	Niarada, MT (GYE)	\$532.00
1 calf		
October 2003 -	Big Timber (GYE)	\$800.00
8 lambs		
October 2003 -	Big Timber, MT (GYE)	\$600.00
1 calf		
October 2003 -	Drummond, MT (MT)	\$1,100.00
2 calves		
October 2003 -	McLeod, MT (GYE)	\$1,300.00
2 calves		
October 2003 -	Emigrant (GYE)	\$450.00
1 calf		
November 2003 -	Livingston, MT (GYE)	\$585.00
1 calf		
November 2003 -	Fishtail, MT (GYE)	\$450.00
3 ewes		
December 2003 -	Livingston, MT (GYE)	\$650.00
1 calf		
<b>Total</b>		<b>\$21,904.61</b>

### Year 2004 Payments for MT

February 2004 -	Drummond, MT (MT)	\$843.36
1 calf (confirmed), 1 calf (probable)		
February 2004 -	Townsend, MT (GYE)	\$560.00
14 sheep (probable)		
February 2004 -	Livingston, MT (GYE)	\$3,280.00
8 ewes, 16 lambs		
February 2004 -	Livingston, MT (GYE)	\$6,600.00
17 ewes, 49 lambs		
February 2004 -	Ennis, MT (GYE)	\$640.00
1 calf		
April 2004 -	Ennis, MT (GYE)	\$1,244.00
2 calves		
April 2004 -	Cameron, MT (GYE)	\$1,000.00
1 stock dog		
April 2004 -	Ennis, MT (GYE)	\$1,400.00
2 yearlings		
April 2004 -	Lonepine, MT (MT)	\$1,170.00
2 calves		
April 2004 -	Ennis, MT (GYE)	\$900.00
1 yearling		
May 2004 -	Livingston, MT (GYE)	\$1,200.00
2 calves		
May 2004 -	Dillon, MT (GYE)	\$880.00
1 yearling		
May 2004 -	Jackson, MT (ID)	\$3,500.00
5 calves		
May 2004 -	Polaris, MT (ID)	\$790.00
1 calf		
June 2004 -	Roscoe, MT (GYE)	\$792.50
1 calf		
June 2004 -	Lonepine, MT (MT)	\$450.00

1 calf		
June 2004 -	Fishtail, MT (GYE)	\$160.00
1 ewe		
June 2004 -	McLeod, MT (GYE)	\$700.00
1 calf		
July 2004 -	Hall, MT (MT)	\$1,125.00
9 lambs		
July 2004 -	Whitehall, MT (GYE)	\$650.00
1 calf		
July 2004 -	Luther, MT (GYE)	\$600.00
4 ewes		
August 2004 -	Helmville, MT (MT)	\$600
1 calf		
August 2004 -	Fishtail, MT (GYE)	\$3450
3 bucks, 4 ewes, and 12 lambs		
September 2004 -	Fishtail, MT (GYE)	\$1,800
12 ewes		
September 2004 -	Dillon, MT (GYE)	\$726
1 calf		
September 2004 -	Avon, MT (MT)	\$110
1 lamb		
October 2004 -	Red Lodge, MT (MT)	\$600
1 calf		
October 2004 -	Emigrant, MT (GYE)	\$800
1 cow		
October 2004 -	Dillon, MT (GYE)	\$4,851
7 rambouillets		
October 2004 -	Livingston, MT (GYE)	\$2,580
9 ewes and 3 lambs		
October 2004 -	Livingston, MT (GYE)	\$1,500
1 calf (confirmed), 2 calves (probable)		
October 2004 -	Fishtail, MT (GYE)	\$900
6 ewes		
October 2004 -	Dillon, MT (GYE)	\$ 3,300
1 border collie and 2 Great Pyrenees		
October 2004 -	McLeod, MT (GYE)	\$800
1 steer calf		
November 2004 -	Niarada, MT (MT)	\$2,000
1 newborn foal		
December 2004 -	Fishtail, MT (GYE)	\$900
6 ewe lambs		
December 2004 -	Beaverhead County, MT (ID)	\$750
1 calf		
December 2004 -	Livingston, MT (GYE)	\$525
3 ewes		
December 2004 -	Livingston, MT (GYE)	\$80
2 goats		
<b>Total</b>		<b>\$54,756.86</b>

### Year 2005 Payments for MT

January 2005 -	Cut Bank, MT (MT)	\$650
1 calf		
January 2005 -	Wisdom, MT (ID)	\$900
1 cow		
February 2005 -	Livingston, MT (GYE)	\$827.84
1 calf		
February 2005 -	Hall, MT (MT)	\$750
1 calf		
February 2005 -	Livingston, MT (GYE)	\$1,500
1 calf, 1 heifer-calf		
February 2005 -	Luther, MT (GYE)	\$2,322.97

5 ewes, 1 guard dog		
March 2005 – 1 heifer	Dillon, MT (GYE)	\$750
March 2005 – 1 ewe	Emigrant, MT (GYE)	\$200
March 2005 – 1 calf	Melville, MT (GYE)	\$740
April 2005 – 1 calf	Browning, MT (MT)	\$323.06
April 2005 – 1 calf	Dell, MT (GYE)	\$750
May 2005 – 1 calf	Hall, MT (MT)	\$300
June 2005 – 1 calf	Avon, MT (MT)	\$750
June 2005 – 1 calf	Avon, MT (MT)	\$650
June 2005 – 5 lambs, 1 ewe	Dillon, MT (GYE)	\$700
July 2005 – 1 guarding dog	Dillon, MT (GYE)	\$612.70
August 2005 – 2 calves	Wisdom, MT (ID)	\$1,300
August 2005 – 4 calves	Avon, MT (MT)	\$1,121.50
September 2005 – 1 calf, 1 herding dog (probable)	Avon, MT (MT)	\$750.00
September 2005 – 7 rams	Dillon, MT (GYE)	\$2,800.00
September 2005 – 1 calf, 1 calf injured	Browning, MT (MT)	\$900.00
September 2005 – 1 calf	Libby, MT (MT)	\$300
September 2005 – 2 calves	Browning, MT (GYE)	\$1,560
December 2005 – 1 cow	McLeod, MT (GYE)	\$650
December 2005 – 1 horse	Dillon, MT ( GYE)	\$2,000
December 2005 – 1 foal	Wisdom, MT ( ID)	\$1,000
December 2005 – 4 ewes, 16 lambs	Livingston, MT (GYE)	\$2,843.44
<b>Total</b>		<b>\$27,951.51</b>

### Year 2006 Payments for MT (January – October)

January 2006 – 1 cow	Fort Shaw, MT (GYE)	\$1,400
January 2006 – 1 steer	McLeod, MT (GYE)	\$925
January 2006 – 1 calf (probable)	Absarokee, MT (GYE)	\$375
February 2006 - 1 calf	Dell, MT (MT)	\$816.75
March 2006 – 1 calf (confirmed), 4 calves (probable)	Hot Springs, MT (MT)	\$2,323.53
June 2006 – 1 guard dog, 1 ewe, 5 rams	Dillon, MT (GYE)	\$3,040.70
June 2006 – 1 calf	Lima, MT (GYE)	\$795
June 2006 –	Avon, MT (MT)	\$1200

1 heifer		
June 2006 –	Libby, MT (GYE)	\$500
1 ewe		
July 2006 –	Avon, MT (MT)	\$800
1 calf		
July 2006 –	Avon, MT (MT)	\$247.50
1 sheep (confirmed), 1 sheep (probable)		
July 2006 –	Marion, MT (MT)	\$710
1 calf		
July 2006 –	Beaverhead City, MT (MT)	\$695
1 calf		
July 2006 –	Dillon, MT (GYE)	\$1,804.40
2 guard dogs		
July 2006 –	Wisdom, MT (ID)	\$1,552.50
2 calves		
July 2006 –	Phillipsburg, MT (MT)	\$520
1 heifer calf		
August 2006 –	Dillon, MT (GYE)	\$312.90
1 guard dog (vet bill for injuries caused by wolf)		
August 2006 –	Conrad, MT (MT)	\$632.50
1 yearling heifer		
August 2006 –	Sula, MT (ID)	\$1,800
2 yearling steers		
September 2006 –	Wisdom, MT (ID)	\$1,600
1 calf (killed), 2 calves (injuries)		
September 2006 –	Fort Shaw, MT (MT)	\$4,500
2 bred heifers (confirmed), 2 bred heifers (probable)		
October 2006 –	Fort Shaw, MT (MT)	\$4,875
3 heifers		
October 2006 –	Fishtail, MT (GYE)	\$600
1 calf		
October 2006 –	Wisdom, MT (ID)	\$1,722.24
2 calves		
October 2006 –	Fishtail, MT (GYE)	\$100
1 sheep		
<b>Total</b>		<b>\$33,848.02</b>