

House Joint Resolution 1
March 3, 2011
Presented by Dave Risley
Senate Fish and Game Committee

Chairman Brenden and committee members, I am Dave Risley, Fish and Wildlife Division Administrator for Montana Department of Fish, Wildlife & Parks (FWP). I am here in support of House Joint Resolution 1.

FWP supports HJR 1 because it is a potentially achievable option to finally obtain full state management and control of wolves within our borders. If it can be done, it is the best solution and the only one that can bypass further bureaucratic and time-consuming federal rulemaking under the federal Endangered Species Act (ESA) and that effectively insulates a delisting of wolves from continuing legal challenges.

The issue is whether and how this can be done. FWP believes that it can be done because FWP has worked closely with the United States Department of Interior and the United States Fish and Wildlife Service on a congressional bill that had a reasonable chance of passing in the lame duck session in December. The bill would have given Montana and Idaho full state management for three years which would become permanent if Wyoming agreed to adjust their state plan to gain the approval of the USFWS. Practically this would only have required that Wyoming adjust the boundary of the line that geographically separates wolves managed as a game species from wolves managed as predators. At the time this bill was being shopped for support, the USFWS and Wyoming were negotiating a change to the predatory line in Wyoming.

Montana would have only been required to maintain wolves at about 300 for just 3 years.) Remember that Montana now has over 500 by our verified minimum count at the end of 2009.

Idaho would only have been required to manage wolves according to their 2008 5-year Wolf Plan and only for 3 years. Their minimum would have been 500 wolves, a number that the Idaho Fish and Game Commission had agreed to maintain for 5 years. Idaho had about 840 wolves at the end of 2009.

The bill was strategically drafted this way because a bill exempting a species such as wolves from the ESA cannot pass Congress. Every reliable source has advised that this is a fact. Therefore, the bill, in effect, simply delisted wolves because Congress could conclude the requirements of the ESA have been complied with as demonstrated by the interim three years of state management that adhered to the states' own plans.

The result would have been, or could be in a future congressional passage, a delisting without the bureaucracy and delay of another USFWS delisting rule and would avoid the considerable liability and delay of further litigation. The bill was what Montana has worked so hard to achieve.

The bill required the support of the three states: Montana, Idaho and Wyoming. However, only Governor Schweitzer supported the bill while the governors of Idaho and Wyoming refused to support the bill thereby killing any chance of passage.

There is a lesson in this extremely frustrating story. It is that Montana, Idaho, and Wyoming must be willing to work together to support the best and frankly the only option to quickly gain state management of wolves. FWP commits to doing everything in its power to avoid squandering the next opportunity by helping to convince Idaho and Wyoming to support what is in the best interests of all three states.