



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 2. Funding for wolf management.** (1) The department shall allocate \$900,000 annually for wolf management.

(2) For the purposes of this section, the term "management" has the same meaning provided in 87-5-102 and includes:

- (a) wolf collaring conducted pursuant to 87-5-132; and
  - (b) lethal action conducted pursuant to 87-1-217 to take problem wolves that attack livestock.
- (3) Not more than 25% of the total funding allocated under this section may be used for administrative costs.

(4) Pursuant to 87-1-201, the department may allocate funds from any source to meet the requirements of this section.

(5) The department may contract with the United States department of agriculture wildlife services and county governments for the purposes of this section.

**Section 3. Appropriation.** (1) The following money is appropriated to the department of fish, wildlife, and parks from the general license account for the purposes established in [section 1]:

Fiscal year 2012	\$274,000
Fiscal year 2013	\$274,000

(2) The following money is appropriated to the department of fish, wildlife, and parks from federal funds received from the United States fish and wildlife service for wolf management and the purposes established in [section 1]:

Fiscal year 2012	\$626,000
Fiscal year 2013	\$626,000

(3) The department may not expend more than 25% of the total appropriation in each fiscal year on administrative costs.

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

**Section 5. Effective date.** [This act] is effective July 1, 2011.

- END -

I hereby certify that the within bill,  
SB 0348, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

SENATE BILL NO. 348

INTRODUCED BY DEBBY BARRETT

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