EXHIBIT 4
DATE 02/06/2013
HB Joint Approps sub Natural Resources and Transportation

FWP ISSUES ON POINT

Issues of importance to Montana Fish, Wildlife & Parks

Presented to the 2013 Montana Legislature

IN THIS PACKET:

- Aquatic Invasive Species Management Program
- Brucellosis and Elk Management
- Elk Archery Permits and the Missouri Breaks
- Fishing Access Program Update
- Flathead Lake Fisheries Co-management
- FWP Employee Pay Plan
- FWP Budget and Funding
- Hunting Access
- Large Carnivore Control/Wildlife Services
- License Earmarks
- Management of Bison in the Yellowstone Ecosystem
- Montana Wolf Population
- Pheasant Releases Funded Through the UGBEP
- Trapping, Anti-trapping, and Furbearer Management
- Wild Bison Management Authority – Dual Status
- State Bison Management

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FWP ISSUES ON POINT

Aquatic Invasive Species Management Program

THE ISSUE: Aquatic Invasive Species are a serious threat to Montana. AIS are transported on boats, gear and equipment, or moved in other ways from one area to another. These "aquatic hitchhikers" are non-native, harmful aquatic plants, animals or microscopic organisms—everything from zebra mussels to whirling disease—that are easily transported from water to water. AIS of highest concern are zebra and quagga mussels, Asian carp, Viral Hemorrhagic Septicemia Virus, and aquatic noxious weeds. Prevention is the key management tool. In 2012, crews inspected more than 21,240 boats (4,832 from out-of-state) between May and October. Four boats with dead Dreissenid mussels were intercepted and crews regularly found vegetation, including two cases of Eurasian watermilfoil. Unfortunately, there are few options available to control and manage AIS once established and eradication is costly and often impossible. The cost of invasive species damage in the U.S. amounts to more than $100 billion each year. Aquatic invasives affect fish populations and reduce sport fishing and boating opportunities. Additional impacts include clogging water conveyance systems, which can directly impact irrigation and utilities.

BACKGROUND: Montana has had an AIS Management Plan, approved by Governor Judy Martz and the National Aquatic Nuisance Species Task Force, since 2002. The first Statewide AIS Coordinator was hired in 2004. The program expanded after the 2009 Legislature passed the first AIS Act, and expanded again after the 2011 Legislature authorized additional funding. Currently, the AIS effort is administered by FWP, the Department of Natural Resources and Conservation, and the Montana Department of Agriculture. FWP coordinates the AIS program, has the lead on watercraft inspections and on any AIS that are animals or pathogens. MDA has the lead on aquatic noxious weeds in cooperation with Montana counties.

FWP POSITION: So far, Montana doesn't have any established populations of the most damaging AIS, although zebra/quagga mussels have been intercepted on watercraft entering Montana. To prevent their establishment, continued support of the AIS program is essential. The program needs to be multifaceted including: (1) coordination, (2) outreach and education, (3) prevention, (4) early detection and monitoring; and (5) rapid response. A statewide information effort, developed by FWP and the Montana Department of Agriculture, encourages Montanans and visitors to "Inspect, clean, and dry," boats, trailers and fishing gear to "Stop Aquatic Hitchhikers!" The campaign draws awareness to a national problem threatening to take root in the West.

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FWP ISSUES ON POINT

Wild Bison Management Authority – Dual Status

THE ISSUE: Wild bison in Montana currently have a dual status classification:

(1) big game animal managed by FWP; and

(2) species in need of disease management under direction of the Department of Livestock.

Some dislike DOL management because under its jurisdiction—and per the Interagency Bison Management Plan—bison that migrate out of Yellowstone National Park are often hazed, trapped, and culled. Livestock producers support DOL bison management, and support establishing DOL as the sole authority, due to concerns about brucellosis. Others who support sole bison management authority maintained by FWP surmise that hazing, trapping and culling of bison would not occur.

BACKGROUND: Bison in the Greater Yellowstone Ecosystem are classified as game animals under FWP authority and as a species in need of disease management under DOL authority. Ultimately, YNP bison are managed under the IBMP, an agreement among five agencies including FWP, the DOL, YNP, the U.S. Forest Service and U.S. Department of Agriculture Animal and Plant Health Inspection Services. The plan outlines population targets, management actions, and dates when bison must be in, or excluded from certain areas to minimize the risk of transmission of brucellosis to livestock. To change the plan requires consensus of the five agencies. If FWP had sole authority for bison, DOL and the other agencies would continue to have involvement in bison management decisions. DOL spends approximately $660,000/year and uses over five FTE to carry out IBMP provisions—including trapping, testing, herding, and culling. If bison were under the authority of FWP, those responsibilities and costs would transfer to FWP, per the IBMP. Bills to remove DOL authority were introduced in 2009 (HB 253) and 2011 (HB 482), but neither advanced out of committee. FWP took a neutral position on both.

FWP POSITION: As long as the IBMP drives management of bison in the GYE, FWP is neutral about the dual status classification of Yellowstone bison. FWP has not supported transferring current DOL management responsibilities to FWP.

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FWP ISSUES ON POINT

Brucellosis and Elk Management

THE ISSUE: Brucellosis, a bacterial disease, causes pregnant cows to miscarry, but to date has no detected population impact on elk or bison population growth rates. The bacteria are present in bison and elk in the Greater Yellowstone Ecosystem, and appear to be increasing in elk. Three recent cases of brucellosis in livestock were attributed to elk. Brucellosis, as well as the requirements of disease regulations, threaten: (1) the viability of the livestock industry in this area, and (2) landowner tolerance of elk because of increased costs associated with repeated testing, possible quarantine, and changes in land use. Maintaining the viability of the livestock industry and healthy elk populations are vital to Montana. Livestock owners' tolerance of elk populations in this area is important; elk populations benefit from a viable livestock industry because significant elk habitat and hunter harvest opportunity occur on private lands. Some want FWP to eradicate the disease in elk, while others oppose any elk management efforts relative to brucellosis in elk. While FWP agrees management to minimize risk is important, eradication of brucellosis in wildlife is not feasible at this time.

BACKGROUND: If brucellosis is detected in a livestock herd, the herd is quarantined until it tests negative three consecutive times. Livestock within "brucellosis surveillance areas" have additional federal testing and vaccination requirements. That can't be achieved with wildlife. In the GYE today, surveillance suggests approximately 13 percent of elk and 50 percent of bison have been exposed to brucellosis. There is no effective vaccine. Options like capture and slaughter of seropositive elk are prohibitively expensive, likely ineffective and adamantly opposed by hunters. YNP bison remain the largest reservoir of the disease, so the potential for transmission to elk in the GYE is ongoing. FWP's focus is on risk management. Key efforts currently include providing resources like hazers and fencing to help keep elk away from livestock January-June, the high-risk months. Also, FWP's extensive surveillance efforts in the GYE include capturing, testing and placing GPS collars on seropositive elk to determine where elk go and where they interact with other elk and potentially cattle. At the end of five years, seropositive elk will be recaptured and euthanized for further testing. To address the complexity of the issue, FWP convened a diverse citizen working group to develop options for managing elk in areas where brucellosis is present and where there is concern about brucellosis transmission to livestock. Recommendations were adopted by the FWP Commission after being made available for public review and comment. They include a set of management actions and advocate local working groups to assist FWP.

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FWP POSITION: Elimination of brucellosis from elk and bison in the GYE, although a worthy goal, is not realistic at this time. At least two things currently prevent that goal: (1) policies outside Montana allowing the feeding of elk, and (2) brucellosis in YNP bison. So, FWP's focus is on risk mitigation and cooperative work with landowners, producers, hunters and the public. Risk mitigation generally includes: (1) managing elk populations to meet Montana Elk Management Plan objectives, (2) altering elk distribution patterns to reduce potential for transmission between elk and livestock and between elk, (3) conducting surveillance to determine the extent of brucellosis in elk, and (4) adaptively applying and evaluating management actions. Communication with landowners and hunters will also be important.

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FWP ISSUES ON POINT

FWP Budget and Funding

THE ISSUE: Traditionally, the Montana Legislature has enacted hunting and fishing license fee increases about once a decade. The last fee increases were approved by the 2001 and 2005 Legislatures. In 2015, FWP will be unable to sustain existing programs at the current funding level.

BACKGROUND: FWP's business model is unique within state government. Because of its user-pay funding, FWP operates more like a business than most other state agencies, which rely on general fund appropriations. FWP manages a "product"—hunting and fishing opportunities—that people are willing to pay for with the purchase of fishing and hunting licenses. Because the Legislature historically sets the price for the licenses about once every 10 years, it intentionally creates a revenue stream that is initially more than FWP will spend annually. The "surplus" is placed into a dedicated "savings account." By design, and over time, FWP and the Legislature expect a gradual spending of more than incoming revenues provide. In 2015, FWP will be at that point—the "savings account" will no longer cover expenses.

FWP POSITION: As expected, it is once again time in FWP's 10-year funding cycle for hunters and anglers and the Legislature to work together to decide how to address the funding and budget for fish and wildlife management and associated recreational opportunities.

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FWP ISSUES ON POINT

Fishing Access Program Update

THE ISSUE: On July 1, 2011, the Fishing Access Site program was transferred from the Parks Division to the Fish and Wildlife Division's Fisheries Bureau. The transfer enabled the Parks Division to focus more on State Parks and placed responsibility for the FAS program with the division that works more closely with anglers who fund and use fishing access sites.

BACKGROUND: Montana's FAS program includes more than 330 formal fishing access sites. The primary purpose of the sites is to provide public access for fishing. Few amenities outside of boat ramps, parking areas and vault latrines are provided. Some sites offer overnight camping. There are two main components of the FAS program:

- operation and maintenance of existing sites; and
- acquisition and development of new sites.

The program is supported by fishing-license sales, a portion of the light-vehicle registration fee, and federal aid acquired through an excise tax on the sale of fishing equipment. FWP is evaluating operational procedures to increase efficiency and reduce costs. Other topics under consideration include: the increase in other recreational use beyond angling at some fishing access sites; attention to weed prevention and control; landowner relationships; and different ideas for ensuring that the public's desire for new sites is balanced with FWP's ability to pay for, develop and maintain these sites.

FWP POSITION: FWP will continue to provide a diversity of fishing access opportunities throughout Montana with an emphasis on serving anglers. FWP will be attentive to the concerns of neighboring landowners and will emphasize weed control and maintenance of sites. FWP will manage the program in a fiscally responsible manner with a focus on maintaining safe, clean facilities.

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FWP ISSUES ON POINT

Flathead Lake Fisheries Co-management

THE ISSUE: The Confederated Salish and Kootenai Tribes and FWP share fisheries management authority on and co-manage Flathead Lake. The Tribes have proposed a gillnetting project to remove more than 100,000 lake trout per year from Flathead Lake to improve conditions for native trout. The Tribes are completing an environmental impact statement and seeking funding from the Bonneville Power Administration. The Tribes and FWP are discussing future management options.

BACKGROUND: Flathead Lake is the largest natural lake west of the Mississippi River. Lake trout, lake whitefish and kokanee salmon were introduced in the early 1900s—and kokanee provided a popular recreational fishery for most of the 20th century. FWP introduced mysis shrimp into two upstream lakes in 1968, but not into Flathead Lake, in hopes of improving kokanee fishing. In the mid-1980s, mysis shrimp were detected in Flathead Lake, apparently from downstream drift, and forever changed the aquatic community. Mysis allowed lake trout and lake whitefish to increase, which caused declines in native cutthroat and bull trout and the elimination of the kokanee. Due to range-wide declines, in 1998 bull trout were listed as "threatened" under the federal Endangered Species Act. Lake trout, meanwhile, became the Flathead Lake's popular recreational fishery. In 2001, the Tribes and FWP wrote a fisheries co-management plan for Flathead Lake, which expired in 2010. The plan relied on recreational angling to reduce lake trout and benefit native trout. If bull trout fell to lower levels, aggressive removal techniques, like gillnetting, would be considered. Bull trout remain above these lower levels. In 2010, the Tribes began an environmental review for gillnet removal of lake trout. The Tribes led a team of federal, tribal and state biologists who drafted alternatives for annual removal of more than 100,000 lake trout. In 2012, the Tribes submitted portions of a draft EIS to BPA for funding review.

FWP POSITION: In March 2012, disagreements emerged and FWP asked to be removed from the Tribes' EIS review and BPA funding. FWP proposed resolving future fisheries management direction and EIS questions with the Tribes prior to proceeding.

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FWP ISSUES ON POINT

FWP Employee Pay Plan

THE ISSUE: A number of state agencies, including FWP, approved salary increases for employees by using authority granted in the Broadband Pay Plan statutes. According to the January 2011 State Employee Profile, state employees were 11 percent below the competitive market of the four surrounding states. FWP was 13 percent below the competitive market. FWP, on average, was more than 2 percent below the rest of Montana state employees' compensation.

BACKGROUND: The State of Montana and three major unions came to a pay agreement in December 2010 that would have provided a 1 percent pay raise in January 2012 and a 3 percent pay raise in January 2013 for all state employees. The Legislature rejected funding that agreement. As late as November 2011, FWP was unable to come to an agreement with two bargaining units (FWP wardens and fish & wildlife biologists) and was operating under expired contracts.

FWP POSITION: FWP was losing quality employees and having trouble recruiting, especially for professional and managerial jobs. A new pay system was developed that addressed compensation inequities discovered after making a thorough review of competitive pay ranges issued by DOA. FWP reviewed compensation rates of four neighboring states, a simple average of government salaries in the same job class using the State Pay Tools Report, and the 2010 salary survey.

FWP used authority provided in the state's Broadband Pay Plan to create a pay system considering the "minimum" of the 2010 salary survey or the simple average of occupations shown in the Pay Tools Report. This effort helped remedy employee compensation challenges that involved recruitment and retention disadvantages by clearly stating the compensation within the competitive zone developed by DOA. FWP was then also comparable to other Montana state agencies. This was not an across-the-board increase. FWP's estimate to fund the plan is approximately $2.47 million annually. FWP further determined that this funding would come from program redirection. Implementation would be accomplished within the legislatively appropriated amounts from these accounts.

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FWP ISSUES ON POINT

Hunting Access

THE ISSUE: Hunters depend upon landowners for access. Why? In Montana, about 64 percent of the land is privately-owned and access to some of the remaining public land is controlled by private landowners. Also, hunters are by law required to seek permission to hunt on private land. While reliable private land/public hunting access data is hard to come by, some suggest that present-day changes in how access is or is not granted are affecting the distribution and management of Montana game animals and resident and nonresident hunter opportunities. Such changes could affect FWP's ability to manage wildlife, and, some predict, could affect the recruitment and retention of Montana hunters and shrink license revenues that fund FWP's fish and wildlife programs.

BACKGROUND: Since the mid-1980s, FWP has carried out a number of programs designed to stimulate public access to private land. In 2011-12, these included:

- Block Management annual payments to about 1,300 landowners, on 8.5 million acres, to compensate them for the potential impacts caused by more than 450,000 hunter days;
- Habitat Montana acquisitions and easements with public access required;
- Upland Bird Habitat Enhancement Program habitat projects with public access required;
- Access Public Lands public land access right-of-way easements and marking of legally-accessible public land;
- Hunter-Landowner Stewardship Project's interactive web-based information program that promotes responsible hunter behavior and hunter/landowner relationships.

FWP POSITION: FWP will continue to work on a "Comprehensive Hunting Access Plan" to provide direction—including measurable goals and objectives—for FWP programs that could affect public hunting access on private and public lands. The plan will include public involvement, and potentially legislative direction regarding resources aimed at expanding public hunting access.

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FWP ISSUES ON POINT

License Earmarks

THE ISSUE: FWP has 23 earmarked fishing and hunting license accounts in statute that amount to approximately $14 million annually. Portions of hunting and fishing license fees are dedicated to specific fish and wildlife management activities and are not available for the general operation of the fish and wildlife agency. Examples of programs with funding earmarks include: Habitat Montana, block management, fishing access site acquisition and maintenance and wolf management.

BACKGROUND: Only the Legislature has the authority to change the prices of hunting and fishing licenses or earmark funding. Over time, increases have been approved, but in many cases only with restrictions that dedicate portions of the fees to specific fish and wildlife programs. This earmarked funding may not be used for general operations of the fish and wildlife portion of the agency.

FWP POSITION: Although the earmarked funds are for good programs, and many constructive projects have resulted from the dedicated funding, earmarks can limit FWP's ability to prioritize work. FWP fully supports earmarked programs, but recognizes the importance of being able to direct license revenues to fish and wildlife priorities as they arise.

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FWP ISSUES ON POINT

Elk Archery Permits and the Missouri Breaks

THE ISSUE: The Missouri Breaks have a reputation as a unique place to hunt trophy bull elk. The FWP Commission modified archery hunting regulations to address several issues including equity of opportunity among hunters, the ability to effectively manage elk numbers and hunt quality. The modified regulations include a limited quota of permits for the archery only season in the Missouri Breaks and 23 other hunting districts. Going to permits, in turn, resulted in nonresidents being limited to 10 percent of the total permit quota in these districts. Limiting permits helped address the quality and equity issue, at the same time some landowner and outfitter interests lost revenue due to fewer nonresident hunters drawing permits.

BACKGROUND: Differences of opinion regarding archery hunting in the Missouri Breaks have existed for several years. Some favor reduced numbers of hunters in the interest of improved quality of the hunt, while others are willing to tolerate more hunters knowing they will continue to have the opportunity to hunt in the area annually. Equity of opportunity has become more of an issue over time as landowners and outfitters took advantage of commercial opportunities associated with trophy bull elk. The result was reduced public access, which limited FWP's ability to use hunters to manage elk and in some instances resulted in the redistribution of elk. Some have also expressed concern that archery hunters have taken a disproportionate share of trophy bull elk. The 2011 Legislature considered addressing the issue, but no laws were passed. Following the session, FWP established a working group to consider the issue and make recommendations.

FWP POSITION: While regulations continue to be refined, FWP believes that incorporating recommendations of the 2011 working group were a positive step. Changes for 2012 include additional incentives for landowners to provide increased access and a formal evaluation of the success of the regulations. The objectives of the 2012 regulations are to: (1) increase hunting opportunities for residents and nonresidents; (2) improve management effectiveness, i.e. increased harvest of female elk; and (3) respect private property rights.

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FWP ISSUES ON POINT

Pheasant Releases Funded Through the UGBEP

THE ISSUE: Since 1987, FWP has attempted to augment pheasant populations through habitat enhancement and by authorizing the release of pen-reared pheasants. By law, FWP must spend at least 15 percent of earmarked Upland Game Bird Enhancement Program (UGBEP) funds on pheasant releases. In 2012, that was $91,090 for about 8,800 pheasants. It is questionable whether the pheasant releases contribute significantly to wild pheasant populations. Historically, public concern has focused on: (1) support for pheasant releases; or (2) criticism of spending for pheasant releases instead of habitat projects. In recent years, the debate has hinged on three approaches: (1) eliminate pheasant releases and focus on habitat enhancement; (2) eliminate habitat enhancement and focus on pheasant releases; or (3) continue efforts to enhance pheasant populations through habitat enhancements and pheasant releases.

BACKGROUND: Pheasant releases are a continued source of controversy. Specifically, research shows extremely low survival rates for pen-raised pheasants, even when releases are into suitable habitats, which leads to questions about effective use of funds. Additionally, releasing pheasants reared at high densities may increase the potential for disease outbreaks that could threaten wild birds. Pheasant releases are viewed by some as a means of population enhancement although there are now scientific data to support that conclusion. To improve program delivery, FWP recently, following meetings with an UGBEP advisory council, adopted a long-term strategic plan to guide pheasant releases in a more efficient and productive manner. Upland game bird hunting is a popular recreational activity and significant driver for Montana's economy. Each year, resident upland game bird hunters contribute nearly $20 million to Montana while nonresidents contribute over $44 million. In 2010, about 20,000 pheasant hunters spent 101,000 days afield, successfully harvesting more than 104,000 pheasants.

FWP POSITION: By law, the pheasant release program aims to establish or enhance pheasant populations in suitable habitats–it is not a "put and take" program. New rules focus on pheasant health, allocation of funding, streamlining the program, and emphasize longer term benefits. FWP will continue to work with the UGBEP advisory council to resolve conflicts pertaining to the pheasant release program.

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FWP ISSUES ON POINT

Large Carnivore Control/Wildlife Services

THE ISSUE: With increasing wolf numbers, there's more concern about impacts of all large carnivores—including bears, lions, and coyotes—on game and livestock. Meanwhile, a reduction of funding for USDA APHIS Wildlife Services, the federal agency that responds to predation on livestock, has created a desire among livestock producers for FWP to subsidize WS's depredation work. Similarly, some sporting groups want FWP to provide funding to WS to control predators where big game populations have declined.

BACKGROUND: Over the past few years, federal funding for WS has been reduced by more than $200,000, affecting WS's ability to respond to depredation complaints. In 2011, the Montana Legislature considered several bills that directed FWP to provide WS funding for predator control. As FWP testified, however, under federal law such payments would be an illegal diversion of fish and wildlife resources for an ineligible activity (livestock protection). Instead, FWP prefers to use sport hunting and trapping as the primary tool to manage populations, and to bring WS in for specific depredations per their expertise and mission. Because of WS's budget shortfall, livestock representatives continue to urge FWP to use state hunting and fishing license dollars to subsidize WS, reasoning that state wildlife is the source of the depredation. In some areas large carnivores have had an impact on big game populations and some sporting groups want more aggressive predator control. Those groups want FWP to employ WS to reduce predator populations.

FWP POSITION: Hunters and anglers should not subsidize this WS work. Rather, FWP will work cooperatively with WS and livestock producers to find solutions to WS's workload and funding dilemma, such as helping to secure a general fund appropriation from the Montana Legislature or an appropriation from Congress. FWP will continue to communicate to the public its understanding of large carnivore issues and show where, how and why management activities are employed.

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FWP ISSUES ON POINT

Trapping, Anti-trapping, and Furbearer Management

THE ISSUE: Trappers harvest furbearers, predators, and nongame wildlife to:

- assist in population management
- protect livestock
- prevent damage to agricultural lands
- receive economic value from pelts
- experience nature
- for recreation

Non-targeted trapping of domestic dogs, and the perceived cruelty of trapping, are controversial issues. After a process to improve trapping regulations a decade ago, Montana now has some of the most effective regulations in the nation to avoid unintended captures. For instance, Montana law requires traps on public lands to be set back at least 50 feet from a road or trail—150 feet for wolf traps; 300 to 1,000 feet from a trailhead depending on the type of trap used; and 1,000 feet from a public campground. All trappers must study the Montana Trapping Regulations for details. Nevertheless, anti-trapping/animal rights groups have coordinated campaigns to stop trapping, including a past attempt to create a "no trapping on public lands" ballot initiative. That effort narrowly failed to obtain enough signatures. A current attempt to ban wolverine trapping in Montana is now being litigated. Similar efforts are expected in the future.

BACKGROUND: Trapping of statutorily defined furbearers is regulated by state laws and rules. Trappers must purchase a Montana trapping license and follow trapping regulations that cover 10 legally classified furbearers. A trapping license isn't required for residents to trap predatory, nongame and unregulated species including coyotes, skunks, badgers, raccoons, and red fox. So, such species don't fall under FWP's furbearer management regulations. On public lands, trapping regulations govern the distance furbearer traps must be placed away from trailheads, campgrounds and other public areas. Scientists and wildlife managers across the country support regulated trapping. The Wildlife Society, the professional organization of wildlife biologists, managers, and university staff, maintains that regulated trapping is a biologically sustainable, safe, effective,

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and ecologically sound method of managing furbearers. Attempts to establish a mandatory trapper education program have failed in the past three legislative sessions. Currently, Montana has about 4,000 licensed trappers who contribute to furbearer management and wildlife research.

FWP POSITION: Trapping for furbearers is managed by FWP as a recreational activity and management tool for a renewable resource. It is sustainable, the number of animals taken is a small percentage of the total population size, and reproduction replaces harvested animals. Some regulation of trapping of predators and nongame furbearing animals would help defend against future ballot initiatives. FWP strongly urges trappers to enroll in voluntary trapper education programs. FWP further supports mandatory trapper education.

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FWP ISSUES ON POINT

Montana Wolf Population

THE ISSUE: In 2011, wolves in the Northern Rockies were removed from the federal endangered species list. The delisting withstood several legal challenges. In the decade before delisting, Montana's wolf population grew rapidly and well beyond recovery goals. Livestock depredation from wolves increased and wolf predation caused some big game population declines. As state management authority emerged, opposition to wolves among livestock and some sporting groups grew more vocal. FWP was asked to carry out aggressive management options, while wolf advocates opposed hunting and wolf removals. FWP continues to apply a balanced, science-based conservation and management plan, including regulated hunting and trapping, to manage and reduce Montana's wolf population.

BACKGROUND: By 2003, FWP completed an exhaustive public process, which resulted in Montana's Wolf Conservation and Management Plan. The plan's federal approval was a delisting requirement, and as such, any significant change to the approved plan will trigger a federal status review. Montana's plan stipulates that a total of 150 wolves and 15 breeding pairs is the bottom-line "trigger to change management" to the most conservative approaches possible to rebuild wolf populations. Montana's plan anticipated between 328-657 wolves by 2015. The 2011 *minimum* count was 653, with the actual population being significantly higher. Hunting seasons in 2009 and 2011 fell short of the goal to decrease wolf numbers (hunting was prohibited by federal law in 2010). Opposition to wolves has grown among hunters concerned about deer and elk declines in some areas and among livestock interests concerned about livestock depredations. FWP efforts to reduce wolf populations is cognizant of the risk of federal relisting if:

- the population falls below 100 and 10 breeding pairs in either Montana, Idaho, or Wyoming;
- the population in either Montana, Idaho, or Wyoming falls below 150 or 15 breeding pairs in any of the states for three consecutive years; and
- a change in state law or management objectives would significantly increase the threat to the wolf population.

FWP POSITION: FWP will manage wolves using the same processes it uses to manage other wildlife. FWP seeks to ensure that the wolf stays off of the federal endangered species list while pursuing a wolf population level below current numbers in response to impacts on game populations and livestock. FWP will continue to use a reasoned, science-based approach to reach a balance between predator and prey and public tolerance.

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FWP ISSUES ON POINT

Management of Bison in the Yellowstone Ecosystem

THE ISSUE: In the early 1900s, bison in Yellowstone National Park were infected with brucellosis from domestic livestock. Since that time, brucellosis has been largely eradicated in livestock across the country. One of the few remaining reservoirs for the disease is in bison found in YNP. The threat of brucellosis infection from bison to domestic livestock has resulted in aggressive management of YNP bison by state and federal. Those actions include hazing, trapping and removal of bison, which are supported by the livestock industry and have, at times, generated strong negative response from the general public.

BACKGROUND: In 2000, two state and three federal agencies reached agreement on a management plan for YNP bison. The agencies share responsibilities as wildlife managers, regulators of livestock disease, and land managers. The plan relies on spatial and temporal separation of bison and domestic livestock to meet the goals of preventing bison from infecting domestic livestock with brucellosis, and provide for a wild, free-ranging population of bison. It's an adaptive plan that adjusts management actions based on changing circumstances, science, and more. The plan remains controversial with four active lawsuits directed at actions taken as prescribed in the plan.

FWP POSITION: FWP will continue to cooperate with the other state and federal agencies that share management responsibilities for bison in the Yellowstone area, and urge YNP to control bison numbers within the park. FWP will continue to adapt the management plan as appropriate to better fulfill its stated goals. That effort will be open to and fully involve the public to help create appropriate adaptive changes. FWP will continue to work on developing additional habitat for bison outside of YNP to better meet the plan's goals, and better use hunting as the primary means to manage population numbers.

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FWP ISSUES ON POINT

State Bison Management

THE ISSUE: Bison that inhabit Yellowstone National Park exhibit limited seasonal migration into certain regions of Montana, but the state does not have a wild population of bison. Different segments of the public express an interest in the restoration of bison as wildlife, while others oppose it due to economic impact concerns and other issues. The complexity of the issue is reflected in nearly 36,700 comments generated during Montana Environmental Policy Act public processes related to bison management since 2004.

BACKGROUND: ***Interagency Bison Management Plan:*** The management of YNP bison, and their seasonal migration into Montana, falls under the jurisdiction of the Interagency Bison Management Plan. The IBMP, signed in 2000, is the result of court ordered mediation among different state and federal management agencies. The plan seeks to to: (1) maintain a wild, free-ranging population of bison; and (2) address the socio-economic risk brucellosis transmission poses to the Montana livestock industry.

The IBMP has been successful in meeting the 2nd purpose, as there hasn't been a reported transmission of brucellosis from wild bison to cattle. The IBMP is designed to be an adaptive management plan that is intended to evolve and modify based on changes on the landscape and new information.

- In February 2012, a Record of Decision was signed by FWP and the Montana Department of Livestock to increase the tolerance of bison until May 1 each year north of YNP and south of Yankee Jim Canyon within Park County.
- A joint environmental assessment is currently being developed by FWP and DOL that examines the potential to increase bison tolerance on the western boundary of YNP in the area around West Yellowstone and the upper Gallatin *(completion expected 2013)*.

Quarantine Feasability Study: FWP and U.S. Department of Agriculture's Animal and Plant Health Inspection Service established a Quarantine Feasibility Study to develop procedures that would allow YNP bison: (1) to be free of brucellosis and suitable for the establishment of new herds; or (2) to augment existing populations to preserve bison genetics and increase the number of conservation herds. Two cohorts of bison completed the QFS and, by APHIS standards, are free of brucellosis.

In 2010, following the completion of an EA, the first cohort of 87 bison was transferred to Turner Enterprises' Green Ranch for five additional years of monitoring and testing. Turner Enterprises has assumed management responsibility and cost for the bison in return for 75 percent of new offspring. In 2014, the original bison and 25 percent of the offspring (about 150 bison) will be returned to state management. This is currently under litigation by groups that claim giving Turner Enterprises some of these bison is a privatization of a public wildlife resource.

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In 2012, the second cohort of 64 bison was transferred to Fort Peck Reservation following the completion of an EA and the signing of an MOU between the state and the tribes. Half the bison will be under the care and management of the Fort Peck Tribes and the other half were to be transferred to Fort Belknap Tribes (transfer currently on hold). After five years the tribes will assume ownership of the bison and all offspring, in part to restore bison to native tribes and honor tribal treaty rights. This action is also currently under litigation.

Development of Statewide Bison Management Programmatic EIS: In addition to the pro-and-con interest in the restoration of bison as wildlife, there are certain conditions that have increased the focus on state bison management, including:

- requests for state and federal governments to honor tribal treaty rights to hunt bison on public land.
- SB 212 could prohibit the state's ability to restore wild bison, but it does not apply to federal action. The federal government could restore wild bison to federal land in Montana based on tribal treaty rights, evaluation of federal herds, federal herd expansions, or an ESA listing of bison.
- confusion about Montana laws related to bison and their management.

To evaluate the potential for a wild herd of bison, FWP began the development of a draft programmatic EIS with public scoping in May 2012. The next step, which is awaiting direction, is the formation of local citizen working groups to examine the potential of different locations and alternatives.

FWP POSITION:

In 2010, the FWP Commission endorsed FWP's exploration of the potential for bison to be managed similar to other wildlife somewhere in Montana, reasoning that:

- the Montana Comprehensive Fish and Wildlife Conservation Strategy's identification of bison as a Tier I species, or one in greatest conservation need. This classification of bison creates an obligation for FWP to implement conservation actions that provide direct benefit to bison.
- the Montana Natural Heritage Program and FWP lists bison as a species of concern.
- the obligation to implement bison conservation initiatives under Montana legislative code 87-1-201, which places the requirement on FWP "to manage wildlife, fish, game, and nongame animals in a manner that prevents the need for listing under the list of endangered species (MCA 87-5-107) or under the federal Endangered Species Act and in a manner that assists in the maintenance or recovery of those species" (MCA 87-1-201).

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